

FILED

SEP 24 2021

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

H-41934 LA

ROBERT LA BIANCA,

STIPULATION AND AGREEMENT

Respondent.

It is hereby stipulated and agreed by and between Respondent ROBERT LA BIANCA ("LA BIANCA" or "Respondent"), and his attorney of record, Paul Bojic, Esq., and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on May 12, 2021 ("Accusation") in this matter:

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

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 in this proceeding.

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1 3. On June 18, 2021, Respondent LA BIANCA 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 Respondent understands that by withdrawing said Notice of
5 Defense, Respondent will thereby waive Respondent's right to require the Real Estate
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested hearing
7 held in accordance with the provisions of the APA and that Respondent will waive other rights
8 afforded to Respondent in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the Accusation. In
11 the interest of expedience and economy, Respondent chooses not to contest these allegations, but to
12 remain silent, and understands that, as a result thereof, these factual allegations, without being
13 admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein.
14 The Real Estate Commissioner shall not be required to provide further evidence to prove said
15 factual allegations.

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

21 6. It is understood by the parties that the Real Estate Commissioner may adopt the
22 Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions on
23 Respondent's real estate licenses and license rights as set forth in the below Order. In the event
24 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no
25 effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under
26 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

27 7. The Order or any subsequent Order of the Commissioner made pursuant to this
28 Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil

proceedings by the Department with respect to any matters which were not specifically alleged to be causes for the Accusation in this proceeding.

8. Respondent understands that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final.

9. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and enforcement of this matter. The amount of the investigation costs is \$1,580.80 and the amount of the enforcement costs is \$480.00, for a total of \$2,060.80.

DETERMINATION OF ISSUES

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

I.

The conduct, acts, and/or omissions of Respondent LA BIANCA as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent LA BIANCA under California Business and Professions Code ("Code") Sections 10130, 10137, sections 10177(d) and/or (g).

ORDER

I.

All licenses and licensing rights of Respondent LA BIANCA under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that all thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

1. No further cause for disciplinary action against the Real Estate license(s) of Respondent LA BIANCA occurs within two (2) years from the effective date of the Decision and Order in this matter.

2. Respondent LA BIANCA shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California.

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

7 4. Respondent LA BIANCA shall, within six (6) months from the effective date of this
8 Decision, take and pass the Professional Responsibility Examination administered by the
9 Department, including the payment of the appropriate examination fee. If Respondent fails to
10 satisfy this condition, Respondent's real estate license shall automatically be suspended until he
11 passes the examination.

12 5. Respondent LA BIANCA shall pay the sum of \$2,060.80, amounting to the
13 Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary
14 action, **within one-hundred and eighty (180) days from the effective date of this Decision and**
15 **Order.** Said payment shall be in the form of a cashier's check made payable to the Department of
16 Real Estate. **The investigative and enforcement costs must be delivered to the Department of**
17 **Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. Payment of**
18 **investigation and enforcement costs should not be made until the Stipulation has been**
19 **approved by the Commissioner.** If Respondent fails to satisfy this condition in a timely manner
20 as provided for herein, Respondent's real estate license shall automatically be suspended until
21 payment is made in full, or until a decision providing otherwise is adopted following a hearing held
22 pursuant to this condition.

23 6. Respondent understands that by agreeing to this Stipulation, the findings set forth
24 below in the Determination of Issues become final.

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26 DATED: 7/19/2021



Laurence D. Haveson
Counsel for Complainant

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2 EXECUTION OF THE STIPULATION

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

10 Respondent can signify acceptance and approval of the terms and conditions of this
11 Stipulation and Agreement by electronically e-mailing a copy of the signature page(s), as actually
12 signed by Respondent, to the Department. Respondent agrees, acknowledges, and understands that
13 by electronically sending to the Department an electronic copy of Respondent's actual signature, as
14 they appear on the Stipulation, that receipt of the emailed copy by the Department shall be as
15 binding on Respondent as if the Department had received the original signed Stipulation. By
16 signing this Stipulation, Respondent understands and agrees that Respondent may not withdraw his
17 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts
18 upon it or prior to the effective date of the Stipulation and Order.

19 MAILING

20 Respondent and his counsel shall, within five (5) business days from signing the
21 Stipulation, mail the original signed signature page(s) of the Stipulation herein to Laurence
22 Haveson, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Room 350, Los
23 Angeles, California 90013-1105.

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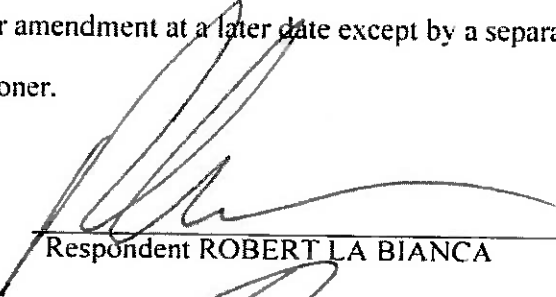
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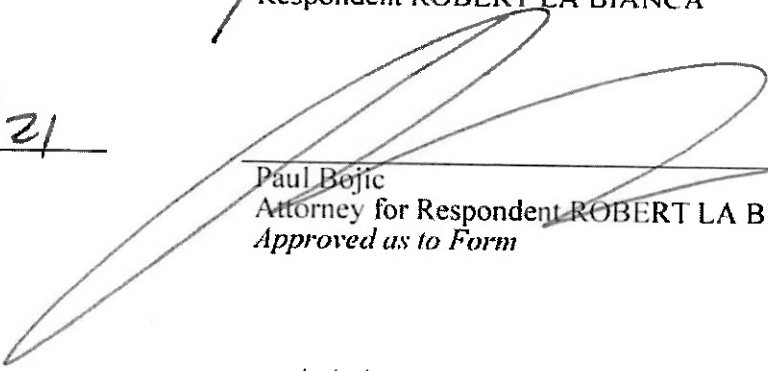
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1 Respondent's signature below constitutes acceptance and approval of the terms and
2 conditions of this Stipulation. Respondent agrees, acknowledges, and understands that by signing
3 this Stipulation Respondent is bound by its terms as of the date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

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7 DATED: 7-20-21


Respondent ROBERT LA BIANCA

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10 DATED: 7/20/21

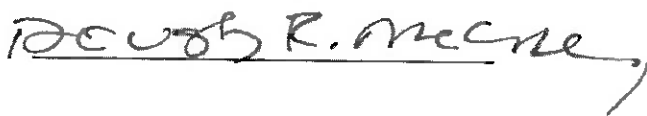

Paul Bojic
Attorney for Respondent ROBERT LA BIANCA
Approved as to Form

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16 The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me
17 as my Decision in this matter and shall become effective at 12 o'clock noon on
18 October 14, 2021.

19 IT IS SO ORDERED 9.21, 2021.

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21 DOUGLAS R. McCAULEY
22 REAL ESTATE COMMISSIONER

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