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DEC 20 2023

DEPT. OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

GARY EVAN BOLTON,

Respondent.

) DRE NO. H-42284 LA
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)
)

ORDER EXTENDING TIME

On November 11, 2023, a Stipulation and Agreement was rendered in the above-entitled matter, ordering the suspension of Respondent GARY EVAN BOLTON'S real estate license. stayed upon terms and conditions. Said Order will become effective December 22, 2023.

Good cause having been shown, the time during which Respondent must complete the conditions within said Stipulation and Agreement is extended to March 1, 2024.

This Order shall be effective immediately.

IT IS SO ORDERED December 19, 2023

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER



For Douglas McCauley

1 Department of Real Estate
320 West 4th Street, Ste. 350
2 Los Angeles, California 90013-1105
Telephone: (213) 576-6982

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9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

No. H-42284 LA

13 GARY EVAN BOLTON,)

STIPULATION
AND
AGREEMENT

14)
15 Respondent.)

16 It is hereby stipulated by and between Respondent GARY EVAN BOLTON
17 (BOLTON), represented by Edward O. Lear, Esq./Century Law Group, and the Complainant,
18 acting by and through Julie L. To, Counsel for the Department of Real Estate ("Department" or
19 "DRE"), as follows for the purpose of settling and disposing of the Accusation filed on April 27,
2022, in Case No. H-42284, in this matter.

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondents at a formal hearing on the Accusation, which
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act

24 H-42284 LA: STIPULATION AND AGREEMENT

1 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement (Stipulation).

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

6 3. On May 6, 2022, Respondent timely filed his Notice of Defense pursuant to
7 Section 11506 of the Government Code for the purpose of requesting a hearing on the
8 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
9 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
10 Defense he thereby waives his right to require the Commissioner to prove the allegations in the
11 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
12 will waive other rights afforded to him in connection with the hearing such as the right to
13 present evidence in his defense and the right to cross-examine witnesses.

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

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

1 understands that the sustained violation(s) may be considered in any future administrative or
2 disciplinary matters by the Department

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

10 7. The Order or any subsequent Order of the Real Estate Commissioner made
11 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Department of Real Estate with respect to any matters
13 which were not specifically alleged to be causes for Accusation in this proceeding but do
14 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
15 against Respondent herein.

16 8. Respondent understands that by agreeing to this Stipulation, Respondent
17 agrees to pay, pursuant to Business and Professions Code (Code) Section 10148, the cost of the
18 audit, Audit LA 210004, which resulted in the determination that Respondent committed the
19 violations found in the Determination of Issues. The amount of said costs for the original audit
20 of GARY EVAN BOLTON (LA 210004) is \$21,364.10. Respondent agrees to pay, pursuant to
21 Code Section 10148, \$21,364.10 for the cost of Audit LA 210004.

22 9. Respondent has received, read, and understands the "Notice Concerning Costs
23 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
24 findings set forth below in the Determination of Issues become final, and the Commissioner may
charge Respondents for the cost of any subsequent audits conducted pursuant to Code Section

1 10148 to determine if the violations have been corrected. The maximum cost of the follow-up
2 audits will not exceed one-hundred twenty-five percent (125%) of the cost of the original
3 audit. In the instant case, the cost of the original audit (LA 210004) is \$21,364.10. The
4 maximum cost of the follow-up audit will not exceed 125% of the cost of the original audit, or
5 \$26,705.13. Therefore, Respondent may be charged a maximum of \$ 26,705.13 in the event of a
6 subsequent audit.

7 10. Respondent understands that by agreeing to this Stipulation, Respondent
8 agrees to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and
9 enforcement which resulted in the determination that Respondent committed the violations
10 found in the Determination of Issues. The amount of said investigation and enforcement costs
11 pursuant to Code Section 10106 is \$4,999.55 (comprised of \$2,623.55 in investigation costs and
12 \$2,376.00 in enforcement costs); therefore, Respondent agrees to pay, pursuant to Code Section
13 10106, the amount \$4,999.55.

13 DETERMINATION OF ISSUES

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

17 The conduct, acts or omissions of Respondent, as described in Paragraph 4,
18 herein above, are in violation of: Code Section 10145 and Title 10, Chapter 6, California Code
19 of Regulations (Regulation) 2832.1; Code Section 10145 and Regulation 2831; Code Section
20 10145 and Regulation 2831.1; Code Section 10145 and Regulation 2831.2; Code Section 10145
21 and Regulation 2832; Code Section 10145 and Regulation 2834; Code Sections 10145 and
22 10176(i); Code Section 10140.6 and Regulation 2773; Code Sections 10159.5 and 10130 and
23 Regulation 2731; and Code Section 10159.2 and Regulation 2725, and are bases for the

1 suspension or revocation of the licenses and license rights of Respondent as a violation of the
2 Real Estate Law pursuant to Code Sections 10177(d), 10177(g), and 10177(h).

3 ORDER

4 WHEREFORE, THE FOLLOWING ORDER is hereby made:

5 I.

6 All licenses and licensing rights of Respondent GARY EVAN BOLTON under
7 the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall
8 be issued to Respondent, to be issued pursuant to Section 10156.5 of the Code if Respondent
9 makes application therefore and pays to the Department the appropriate fee for his restricted
10 license within ninety (90) days from the effective date of this Decision and Order. The restricted
11 licenses issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the
12 Code and to the following limitations, conditions and restrictions imposed under authority of
13 Section 10156.6 of the Code:

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

18 2. The restricted licenses issued to Respondent may be suspended prior to hearing
19 by 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
21 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
22 licenses.

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

4. Respondent shall, within twelve (12) months from the effective date of this Decision and Order, take and pass the Professional Responsibility Examination (PRE) administered by the Department, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent passes the examination.

5. All license and licensing rights of Respondent are indefinitely suspended unless or until Respondent provides evidence satisfactory to the Commissioner or having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund account and handling continuing education courses, no earlier than one hundred and twenty (120) days prior to the effective date of the Decision and Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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1 6. All licenses and licensing rights of Respondent are indefinitely suspended
2 unless or until Respondent pays the sum of \$4,999.55 for the Commissioner's reasonable cost of
3 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
4 the form of a cashier's check or certified check made payable to the Department of Real
5 Estate. The investigation and enforcement costs must be delivered to the Department of Real
6 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
7 date of this Decision and Order.


8 7. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
9 \$21,364.10 for the Commissioner's cost of the audit (LA 210004) which led to this disciplinary
10 action. Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore
11 from the Commissioner. Payment of audit costs should not be made until Respondent receives
12 the invoice. If Respondent fails to satisfy this condition in a timely manner as provided for
13 herein, Respondent's real estate licenses shall automatically be suspended until payment is made
14 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to
15 this condition.

16 8. Pursuant to Section 10148 of the Code, Respondent shall pay the
17 Commissioner's reasonable cost, not to exceed \$26,705.13 [or, 125% of the original audit cost
18 for audit LA210004], for a subsequent audit to determine if Respondent has corrected the
19 violations found in the Determination of Issues. In calculating the amount of the
20 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
21 for all persons performing audits of real estate brokers, and shall include an allocation for travel
22 time to and from the auditor's place of work. Respondent shall pay such cost within sixty (60)
23 days of receiving an invoice therefore from the Commissioner. Payment of the audit costs [of
24 the subsequent audit] 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

1 licenses shall automatically be suspended until payment is made in full, or until a decision
2 providing otherwise is adopted following a hearing held pursuant to this condition.

3 9. Respondent shall not be a designated officer of any corporate real estate license
4 unless or until he provides proof satisfactory to the Commissioner that he is the one hundred
5 percent (100%) owner of said corporation.

6 DATED: 10-11-23

7 
8 Julie L. To, Counsel for
9 Department of Real Estate

10 * * *

11 II.

12 EXECUTION OF THE STIPULATION


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

20 III.


21 MAILING AND FACSIMILE

22 Respondent can signify acceptance and approval of the terms and conditions of
23 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
24 the Stipulation herein to Julie L. To, 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

1 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
2 as actually signed by Respondent, to the Department counsel assigned to this case. Respondent
3 agrees, acknowledges, and understands that by electronically sending to the Department a scan
4 of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of
5 the scan by the Department shall be binding on Respondent as if the Department had received
6 the original signed Stipulation and Agreement.

7 DATED: 10-11-2023 

9
10 *I have reviewed the Stipulation and Agreement as to form and have advised my*
11 *client accordingly.*

12 DATED: 10/11/2023 

14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
16 Respondent **GARY EVAN BOLTON**, and shall become effective at 12 o'clock noon on
17 **DEC 22 2023**, 2023.

18 IT IS SO ORDERED 11/13/23, 2023.

19 REAL ESTATE COMMISSIONER

20
21 
22 *for* DOULAS R. MCCAULEY