

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

NOV 22 2023

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-42353 LA
12)
13 FRANK DONALD GERACI, III) STIPULATION AND AGREEMENT
14)
15 Respondent.)
16)

17 It is hereby stipulated by and between FRANK DONALD GERACI, III
18 (Respondent), represented by Edward O. Lear, Esq./Century Law Group, LLP, and the
19 Complainant, acting by and through Julie L. To, counsel for the Department of Real Estate, as
20 follows for the purpose of settling and disposing of the Accusation filed on July 20, 2022 in
21 Case No. H-42335 LA, 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
24 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
25 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
26 this Stipulation and Agreement.
27

DRE Stipulation & Agreement, H-42353 LA

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 in this proceeding.

4 3. On July 27, 2022, Respondent filed a Notice of Defense pursuant to Section
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondent hereby withdraws said Notice of Defense. Respondent acknowledges
7 that he understands that by withdrawing said Notice of Defense he will thereby waive his right
8 to require the Commissioner to prove the allegations in the Accusation at a contested hearing
9 held in accordance with the provisions of the APA and that he will waive other rights afforded
10 to him in connection with the hearing such as the right to present evidence in defense of the
11 allegations in the Accusation and the right to cross-examine witnesses.

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

18 5. Respondent understands that by agreeing to this Stipulation and Agreement,
19 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
20 Code (Code), the cost of the investigation and enforcement (investigative costs) which resulted
21 in the determination that Respondent committed the violations found in the Determination of
22 Issues. The amount of said costs is \$3,309.30 (comprised of \$2,685.30 in investigation costs
23 and \$624.00 in enforcement costs). Therefore, Respondent agrees to pay, pursuant to Code
24 Section 10106, the amount \$3,309.30. The investigative costs must be in the form of a cashier's
25 check made payable to the Department of Real Estate and must be delivered to the Department
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27

DRE Stipulation & Agreement, H-42353 LA

1 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 prior to the
2 effective date of the Decision. The Real Estate Commissioner agrees that Respondent's
3 payment of the investigative costs in this case shall be deemed as satisfaction of his payment of
4 the costs pursuant to Code Section 10106.

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

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

16 DETERMINATION OF ISSUES

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

20 Respondent's conviction for violation of Penal Code (PC) section 287(b)(1) in
21 San Bernardino County Case No. FWV19001358 (The People of the State of California vs.
22 Frank Donald Geraci, III) constitutes grounds for the suspension or revocation of Respondent's
23 real estate salesperson license under the provisions of **Business and Professions Code Sections**
24 **490 and 10177(b)**. (On October 19, 2022, pursuant to PC 1203.9, probation supervision in San
25 Bernardino County Case No. FWV19001358 was transferred to Los Angeles County Case
26

No. SA107103. On September 5, 2023, pursuant to the provisions of PC 1203.4, Respondent's Petition for Dismissal of said conviction in San Bernardino County Case No. FWV19001358 was granted through Los Angeles County Case No. SA107103.)

Respondent's failure to timely report the conviction in San Bernardino County Case No. FWV19001358 (conviction date: July 28, 2021) constitutes grounds for the suspension or revocation of Respondent's real estate salesperson license under the provisions of **Business and Professions Code Section 10186.2.**

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1 prospective employing broker on a form approved by the Department of Real Estate which shall
2 certify:

3 (a) That the employing broker has read the Decision of the Commissioner
4 which granted the right to a restricted license; and

5 (b) That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real
7 estate license is required.

8 5. Respondent shall, within twelve (12) months from the effective date of this
9 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
10 since the most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
13 Respondent's real estate license shall automatically be suspended until Respondent presents
14 evidence satisfactory to the Commissioner of having taken and successfully completed the
15 continuing education requirements. Proof of completion of the continuing education courses
16 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
17 Sacramento, CA 95813-7013.

18 6. Respondent shall, prior to the issuance of the restricted license and as a
19 condition of the issuance of said restricted license, pay the sum of \$3,309.30 for the
20 Commissioner's reasonable cost of the investigation and enforcement which led to this
21 disciplinary action. Said payment shall be rendered in the form of a cashier's check made
22 payable to the Department of Real Estate, or through a payment method agreed upon by the
23 Department in advance. The investigative and enforcement costs must be delivered in full to the
24 Department of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior
25 to the effective date of this Order.

1 (a) If Respondent fails to satisfy this condition, the Commissioner shall
2 order the suspension of the restricted license until the Respondent presents evidence of payment.
3 The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the
4 Administrative Procedure Act to present such evidence that payment was timely made. The
5 suspension shall remain in effect until payment is made in full or until a decision providing
6 otherwise is adopted following a hearing held pursuant to this condition.

7 7. Respondent shall notify the Commissioner in writing within seventy-two (72)
8 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real
9 Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth
10 the date of Respondent's arrest, the crime for which Respondent was arrested, and the name and
11 address of the arresting law enforcement agency. Respondent's failure to timely file written
12 notice shall constitute an independent violation of the terms of the restricted license and shall be
13 grounds for the suspension or revocation of that license.

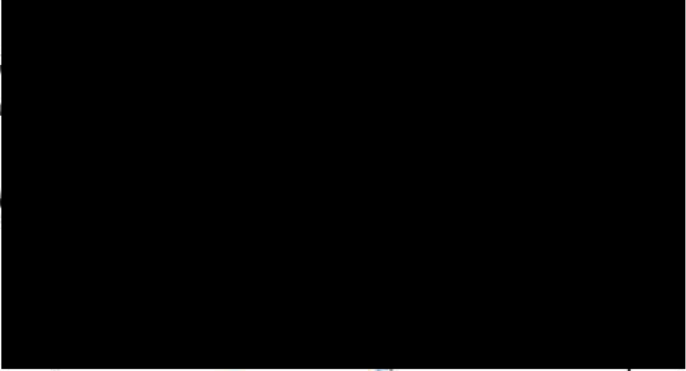
14 DATED: 10-26-23

15 
Julie L. To, Counsel for Complainant

16 * * *

17 I have read the Stipulation and Agreement, and its terms are understood by me
18 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
19 the California Administrative Procedure Act (including, but not limited to Sections 11506,
20 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily
21 waive those rights, including the right of requiring the Commissioner to prove the allegations in
22 the Accusation at a hearing at which I would have the right to cross-examine witnesses against
23 me and to present evidence in defense and mitigation of the charges.

24 Respondent shall send a hard copy of the original signed Stipulation and
25 Agreement to: Julie L. To, Legal Section, Department of Real Estate, 320 West Fourth Street,
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1 Suite 350, Los Angeles, CA 90013. In the event of time constraints before an administrative
2 hearing, Respondent can signify acceptance and approval of the terms and conditions of this
3 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed
4 by Respondent, to the Department counsel assigned to this case. Respondent agrees,
5 acknowledges and understands that by electronically sending the Department a scan of
6 Respondent's actual signature as it appears 
7 scan by the Department shall be binding on 
8 original signed Stipulation and Agreement.

9 DATED: 10-26-2023

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11
12 *I have reviewed the Stipulation and Agreement*
13 *accordingly.*

14
15 DATED: 10/26/23

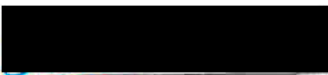
Edward O. Leat, Attorney for Respondent

16 * * *

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
18 this matter and shall become effective at 12 o'clock noon on DEC 22 2023

19 IT IS SO ORDERED 11/13/23

20
21 REAL ESTATE COMMISSIONER

22
23 
24 for DOUGLAS R. McCauley