

FILED

JUL 21 2023

DEPT. OF REAL ESTATE

By [REDACTED]

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against
12 WINSTON B. OFFER,
13 Respondent.

) DRE No. H-42509 LA
) OAH No. 2023020096

) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER
)

16 It is hereby stipulated by and between Respondent WINSTON B. OFFER
17 (sometimes referred to as "Respondent"), acting by and through his attorney Negin Yamini, Esq.,
18 and the Complainant, acting by and through Judith B. Vasan, Counsel for the Department of Real
19 Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation")
20 filed on January 25, 2023, in this matter:

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

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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 (“Department”) in this proceeding.

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

12 4. Respondent, pursuant to the limitation set forth below, hereby admits that the
13 factual allegations as set forth in the Accusation filed in this proceeding are true and correct and
14 the Real Estate Commissioner shall not be required to provide further evidence of such
15 allegations.

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

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

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1 DETERMINATION OF ISSUES

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

5 The conduct, acts or omissions of Respondent WINSTON B. OFFER, as set forth
6 in the Accusation, are a basis for discipline of Respondent's licenses and licensing rights as
7 violations of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
8 ("Code") sections 490 and 10177(b).

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 I.

12 All licenses and license rights of Respondent under the Real Estate Law are
13 revoked; provided, however, a restricted real estate salesperson license shall be issued to
14 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor
15 and pays to the Department the appropriate fee for the restricted license within ninety (90) days
16 from the effective date of this Decision and Order. The restricted license issued to Respondent
17 shall be subject to all of the provisions of Section 10156.7 of the Code and to the following
18 limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

23 2. The restricted license issued to Respondent may be suspended prior to hearing
24 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
25 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
26 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
27 license.

1 Estate. The investigative and enforcement costs must be delivered to the Department of Real
2 Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
3 date of this Decision and Order.

4 DATED: 6-20-2023

[REDACTED]
Judith B. Vasan, Counsel for
Department of Real Estate

* * *

8 EXECUTION OF THE STIPULATION

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

16 Respondent shall mail the original signed signature page of the stipulation herein
17 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
18 Suite 350, Los Angeles, California 90013-1105.

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

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

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7 DATED: 6/13/2023

DocuSigned by:
[REDACTED]
WINSTON B. OFFER
Respondent

9
10 DATED: 6/13/2023

DocuSigned by:
[REDACTED] M
Negin Yamini, Esq.
Counsel for Respondent
Approved as to Form

14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
16 Respondent WINSTON B. OFFER and shall become effective at 12 o'clock noon on
17 AUG 10 2023

18 IT IS SO ORDERED 7.12.23

20 DOUGLAS R. McCAULEY
21 REAL ESTATE COMMISSIONER

22 [REDACTED]