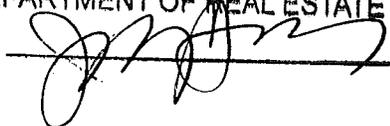


1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

MAY 04 2012

DEPARTMENT OF REAL ESTATE  
BY: 

9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12			
13	In the Matter of the Accusation of )	NO. H-37572 LA	
14	GORDON RAY INMAN,	)	L-2011101058
15		)	
16		)	<u>STIPULATION AND AGREEMENT</u>
17	Respondent.	)	
18		)	

19 It is hereby stipulated by and between GORDON RAY  
20 INMAN (sometimes referred to as "Respondent"), and the  
21 Respondents' attorney Steven Spierer, Esq., and the  
22 Complainant, acting by and through Cheryl Keily, Counsel for  
23 the Department of Real Estate, as follows for the purpose of  
24 settling and disposing of the Accusation filed on October 6,  
25 2011, in this matter.

26 1. All issues which were to be contested and all  
27 evidence which was to be presented by Complainant and Respondent

1 at a formal hearing on the Accusation, which hearing was to be  
2 held in accordance with the provisions of the Administrative  
3 Procedure Act (APA), shall instead and in place thereof be  
4 submitted solely on the basis of the provisions of this  
5 Stipulation and Agreement.  
6

7           2. Respondent has received, read and understood the  
8 Statement to Respondent, the Discovery Provisions of the APA and  
9 the Accusation filed by the Department of Real Estate  
10 ("Department") in this proceeding.  
11

12           3. On October 18, 2011, Respondent filed a Notice of  
13 Defense, pursuant to Section 11506 of the Government Code for  
14 the purpose of requesting a hearing on the allegations in the  
15 Accusation. Respondent hereby freely and voluntarily withdraws  
16 said Notice of Defense. Respondent acknowledges that he  
17 understands that by withdrawing said Notice of Defense he will  
18 thereby waive his right to require the Commissioner to prove the  
19 allegations in the Accusation at a contested hearing held in  
20 accordance with the provisions of the APA and that he will waive  
21 other rights afforded to them in connection with the hearing,  
22 such as the right to present evidence in defense of the  
23 allegations in the Accusation and the right to cross-examine  
24 witnesses.  
25

26           4. This Stipulation is based on the factual  
27 allegations contained in the Accusation. In the interest of

1 expedience and economy, Respondent chooses not to contest these  
2 allegations, but to remain silent and understand that, as a  
3 result thereof, these factual allegations, without being  
4 admitted or denied, will serve as a prima facie basis for the  
5 disciplinary action stipulated to herein. The Real Estate  
6 Commissioner shall not be required to provide further evidence  
7 to prove said factual allegations.  
8

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

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

26           7. Respondent has received, read and understands the  
27 "Notice Concerning Costs of Audits." Respondent understands that

1 by agreeing to this Stipulation and Agreement, the findings set  
2 forth below in the Determinations of Issues become final, and  
3 that the Commissioner may charge Respondent for the costs of the  
4 audit which lead to the disciplinary action. Respondent  
5 understands that by agreeing to this Stipulation, Respondent  
6 agrees to pay, pursuant to Business and Professions Code  
7 ("Code") Section 10148, the cost of the original audit. The  
8 total cost of the original audit is \$7,498.06.  
9

10 DETERMINATION OF ISSUES

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

16 1. The conduct, acts or omissions of Respondent  
17 INMAN, as set forth in the Accusation, constitute cause to  
18 suspend or revoke the real estate license and license rights of  
19 Respondent INMAN under the provisions of Code Section 10177(g)  
20 for violation of Section 10145 of the Code in conjunction with  
21 Title 10, Chapter 6 of the California Code of Regulations  
22 ("Regulations"), Sections 2832(a) and 2834.  
23

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:  
26  
27

1                   I. All licenses and license rights of Respondent INMAN  
2 under the Real Estate Law are suspended for a period of sixty  
3 (60) days from the effective date of this Decision.

4                   A. Provided, however, that if Respondents request, the  
5 initial thirty (30) days of said suspension (or a portion  
6 thereof) shall be stayed upon condition that:

7                   1. Respondent INMAN pays a monetary penalty pursuant  
8 to Section 10175.2 of the Code at the rate of \$83.33 per day for  
9 each day of the suspension for a total monetary penalty of  
10 \$2,500.

11                   2. Said payment shall be in the form of a cashier's  
12 check or certified check made payable to the Consumer Recovery  
13 Account of the Real Estate Fund. Said check must be received by  
14 the Department prior to the effective date of the Decision in  
15 this matter.

16                   3. No further cause for disciplinary action against  
17 the real estate license of Respondent occurs within two (2)  
18 years from the effective date of the Decision in this matter.

19                   4. If Respondent fails to pay the monetary penalty in  
20 accordance with the terms of the Decision, the Commissioner may,  
21 without a hearing, order the immediate execution of all or any  
22 part of the stayed suspension, in which event the Respondent  
23 shall not be entitled to any repayment or credit, prorated or  
24  
25  
26  
27

1 otherwise, for money paid to the Department under the terms of  
2 this Decision.

3 5. If Respondent pays the monetary penalty and if no  
4 further cause for disciplinary action against the real estate  
5 license of Respondent occurs within two (2) years from the  
6 effective date of the Decision, the stay hereby granted shall  
7 become permanent.

8  
9 B. The remaining thirty (30) days of the sixty (60)  
10 day suspension shall be stayed for two (2) years upon the  
11 following terms and conditions:

12  
13 1. Respondent shall obey all laws, rules and  
14 regulations governing the rights, duties and responsibilities of  
15 a real estate licensee in the State of California; and

16 2. That no final subsequent determination be made,  
17 after hearing or upon stipulation, that cause for disciplinary  
18 action occurred within two (2) years of the effective date of  
19 this Decision. Should such a determination be made, the  
20 Commissioner may, in his discretion, vacate and set aside the  
21 stay order and reimpose all or a portion of the stayed  
22 suspension. Should no such determination be made, the stay  
23 imposed herein shall become permanent.

24  
25 II. All licenses and licensing rights of Respondent  
26 INMAN are indefinitely suspended unless or until Respondent  
27 provides proof satisfactory to the Commissioner, of having  
taken and successfully completed the continuing education

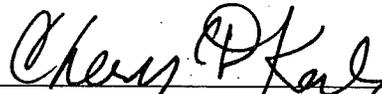
1 course on trust fund accounting and handling specified in  
2 paragraph (3) of subdivision (a) of Section 10170.5 of the  
3 Code. Proof of satisfaction of this requirement includes  
4 evidence that respondent has successfully completed the trust  
5 fund account and handling continuing education course within  
6 120 days prior to the effective date of the Decision in this  
7 matter.

8 III. Pursuant to Section 10148 of the Code,

9 Respondent INMAN shall pay the Commissioner's reasonable cost  
10 for (a) the audit which led to the disciplinary action, and (b)  
11 a subsequent audit to determine if Respondent has corrected the  
12 violations found in the Determination of Issues. In  
13 calculating the amount of the Commissioner's reasonable cost,  
14 the Commissioner may use the estimated average hourly salary  
15 for all persons performing audits of real estate brokers, and  
16 shall include an allocation for travel time to and from the  
17 auditor's place of work. Respondents shall pay such cost  
18 within 60 days of receiving an invoice from the Commissioner  
19 detailing the activities performed during the audit and the  
20 amount of time spent performing those activities. The  
21 Commissioner may suspend the licenses of Respondent INMAN  
22 pending a hearing held in accordance with Section 11500, et  
23 seq., of the Government Code, if payment is not timely made as  
24 provided for herein, or as provided for in a subsequent  
25 agreement between Respondent and the Commissioner. The  
26  
27

1 suspension shall remain in effect until payment is made in full  
2 or until Respondent enters into an agreement satisfactory to  
3 the Commissioner to provide for payment, or until a decision  
4 providing otherwise is adopted following a hearing held  
5 pursuant to this condition.  
6

7 DATED: March 29, 2012

  
8 \_\_\_\_\_  
9 CHERYL D. KELLY, Counsel  
10 DEPARTMENT OF REAL ESTATE

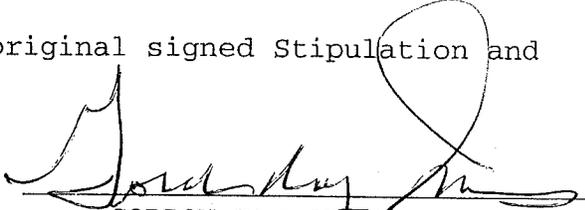
11 \* \* \*

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

24 Respondents can signify acceptance and approval of  
25 the terms and conditions of this Stipulation and Agreement by  
26 faxing a copy of its signature page, as actually signed by  
27 Respondents, to the Department at the following telephone/fax  
number (213) 576-6917. Respondent agrees, acknowledges, and

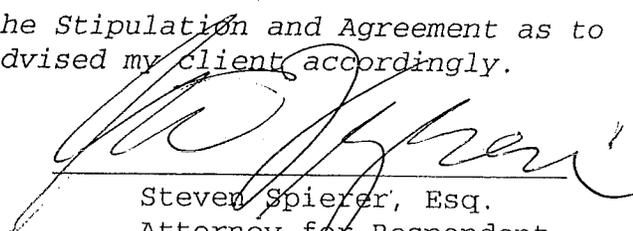
1 understands that by electronically sending to the Department a  
2 fax copy of his actual signature as it appears on the  
3 Stipulation and Agreement, that receipt of the faxed copy by  
4 the Department shall be as binding on Respondent as if the  
5 Department had received the original signed Stipulation and  
6 Agreement.

7  
8 DATED: 3-27-12

  
9 GORDON RAY INMAN,  
Respondent

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

12  
13 DATED: 3/27/12

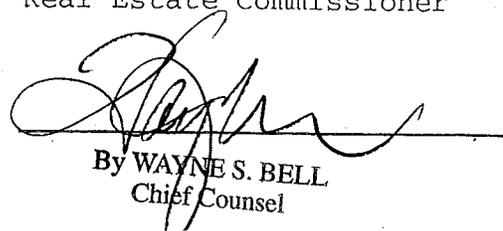
  
14 Steven Spierer, Esq.  
Attorney for Respondent  
15 GORDON RAY INMAN

16  
17 \* \* \*

18 The foregoing Stipulation and Agreement is hereby  
19 adopted as my Decision in this matter and shall become  
20 effective at 12 o'clock noon on JUN 04 2012, 2012.

21 IT IS SO ORDERED April 22, 2012.

22  
23  
24  
25 Real Estate Commissioner

26   
27 By WAYNE S. BELL  
Chief Counsel