

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

**FILED**

JAN 25 2013

DEPARTMENT OF REAL ESTATE  
BY: \_\_\_\_\_

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8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )  
12 ) DRE Case No. H-37967 LA  
13 ) OAH Case No. L-2012041159  
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17 It is hereby stipulated by and between FIRST VISION FINANCIAL INC., by  
18 and through Yervand Yetaryan, Chief Executive Officer (sometimes collectively referred to  
19 herein as "Respondent"), represented in this matter by Frank M. Buda, Esq., and the  
20 Complainant, acting by and through Martha J. Rosett, Counsel for the Department of Real  
21 Estate, as follows for the purpose of settling and disposing of the Accusation filed on  
22 March 14, 2012 in this matter:

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

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  
3 Estate in this proceeding.

4                   3. On March 26, 2012, Respondent filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. In order to effectuate this settlement, Respondent hereby freely  
7 and voluntarily withdraws said Notice of Defense. Respondent acknowledges that it  
8 understands that by withdrawing said Notice of Defense, it will thereby waive its right to  
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held  
10 in accordance with the provisions of the APA and that it will waive other rights afforded to it  
11 in connection with the hearing such as the right to present evidence in defense of the  
12 allegations in the Accusation and the right to cross-examine witnesses.

13                   4. Respondent, pursuant to the limitations set forth below, although not  
14 admitting or denying the truth of the allegations, will not contest the factual allegations  
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall  
16 not be required to provide further evidence of such allegations.

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

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



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

3                   4. If Respondent fails to pay the monetary penalty in accordance with the terms  
4 and conditions of the Decision, the Commissioner may, without a hearing, order the immediate  
5 execution of all or any part of the stayed suspension in which event the Respondent shall not be  
6 entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department  
7 under the terms of this Decision.

8                   B. As to the remaining 90 days of the 120 day suspension, said 90 days shall be  
9 stayed for two (2) years upon the following terms and conditions:

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


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

18                   C. Respondent shall, prior to the effective date of this Decision, provide the  
19 Department with evidence satisfactory to the Department of restitution to Robert Quinn in the  
20 amount of \$4,836.00. If Respondent fails to satisfy this condition, the Commissioner may order  
21 suspension of Respondent's license until Respondent complies.

22                   D. The monetary penalty and proof of restitution required by this Order shall be  
23 sent to Martha Rosett, Counsel for the DRE, 320 W. 4<sup>th</sup> St., Suite 350, Los Angeles, CA 90013.

24  
25 DATED: \_\_\_\_\_

12/11/12

  
MARTHA J. ROSETT  
Counsel for Complainant

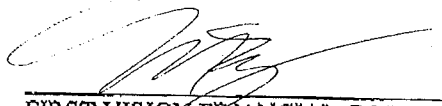
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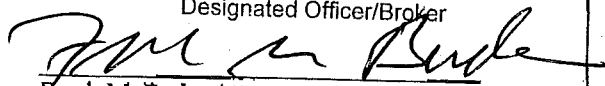
I have read the Stipulation and Agreement, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508,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

Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 12-5-2012

  
FIRST VISION FINANCIAL, INC.,  
Respondent, by ~~XXXXXXXXXXXX~~  
Michael Rudi Wyrzykewski  
Designated Officer/Broker

DATED: 12.5.12

  
Frank M. Buda, Attorney at Law  
Counsel for Respondent

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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  
3 Estate in this proceeding.

4           3. On June 28, 2012, 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. In order to effectuate this settlement, Respondent hereby freely and voluntarily  
7 withdraws said Notice of Defense. Respondent acknowledges that he understands that by  
8 withdrawing said Notice of Defense, he will thereby waive his right to require the  
9 Commissioner to prove the allegations in the Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that he will waive other rights afforded to him  
11 in connection with the hearing such as the right to present evidence in defense of the  
12 allegations in the Accusation and the right to cross-examine witnesses.

13           4. Respondent, pursuant to the limitations set forth below, although not  
14 admitting or denying the truth of the allegations, will not contest the factual allegations  
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall  
16 not be required to provide further evidence of such allegations.

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

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





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

3                   4. If Respondent fails to pay the monetary penalty in accordance with the terms  
4 and conditions of the Decision, the Commissioner may, without a hearing, order the immediate  
5 execution of all or any part of the stayed suspension in which event the Respondent shall not be  
6 entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department  
7 under the terms of this Decision.

8                   B. As to the remaining 30 days of the 60 day suspension, said 30 days shall be  
9 stayed for two (2) years upon the following terms and conditions:

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

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

18                   C. Respondent shall, prior to the effective date of this Decision, provide the  
19 Department with evidence satisfactory to the Department of restitution by FIRST VISION  
20 FINANCIAL INC. to Robert Quinn in the total amount of \$4,836.00. If Respondent fails to  
21 satisfy this condition, the Commissioner may order suspension of Respondent's license until  
22 Respondent complies.

23                   D. The monetary penalty and evidence of restitution required by this Order shall  
24 be sent to Martha Rosett, Counsel for the DRE, 320 W. Fourth St. #350, Los Angeles, CA  
25 90013.

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DATED: 12/5/12

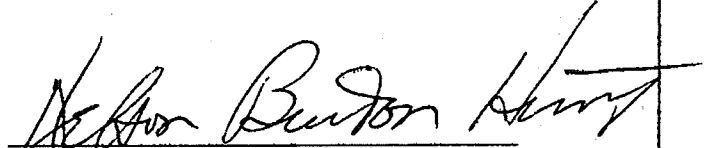
  
MARTHA J. ROSETT  
Counsel for Complainant

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

Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 12/4/2012

  
NELSON BURTON HUNT  
Respondent

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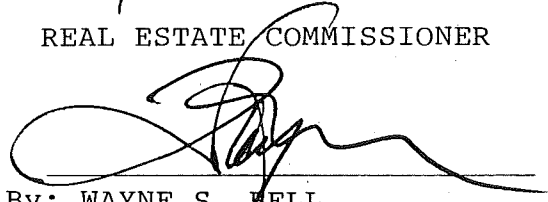
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The foregoing Stipulation and Agreement is hereby adopted as my Decision in

this matter and shall become effective at 12 o'clock noon on February 14, 2013.

IT IS SO ORDERED 12/31/2012

REAL ESTATE COMMISSIONER



By: WAYNE S. BELL  
Chief Counsel