

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

FILED

MAR 05 2014

BUREAU OF REAL ESTATE

By *J. Amodeo*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

11 In the Matter of the Accusation of)
12)
13 INTERNATIONAL TEAM REALTY; and)
14 RICK ARCINIEGA, individually and as)
15 designated officer of International Team)
16 Realty,)
Respondents.)

No. H-38444 LA

STIPULATION
AND
AGREEMENT

17 It is hereby stipulated by and between Respondents INTERNATIONAL TEAM
18 REALTY and RICK ARCINIEGA, individually and as designated officer of International Team
19 Realty (collectively "Respondents"), and the Complainant, acting by and through Diane Lee,
20 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the
21 Accusation ("Accusation") filed on September 26, 2012, in this matter:

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

1 2. Respondents have received and read, and understand the Statement to
2 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of
3 Real Estate in this proceeding.

4 3. Respondents timely filed a Notice of Defense pursuant to California
5 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense.
7 Respondents acknowledges that they understands that by withdrawing said Notice of Defense
8 they thereby waive their right to require the Commissioner to prove the allegations in the
9 Accusation at a contested hearing held in accordance with the provisions of the APA and that
10 they will waive other rights afforded to them in connection with the hearing such as the right to
11 present evidence in their defense 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, Respondents choose not to contest these allegations,
14 but to remain silent and understand that, as a result thereof, these factual allegations, without
15 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
16 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
17 said factual allegations.

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
20 which the Bureau of Real Estate, another licensing agency of this case, or another state or federal
21 government is involved.

22 6. It is understood by the parties that the Real Estate Commissioner may adopt
23 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
24 Respondents' real estate licenses and license rights as set forth in the below "Order." In the
25 event that the Commissioner in his discretion does not adopt this Stipulation, it shall be void and
26 of no effect and Respondents shall retain the right to a hearing and proceeding on the Accusation
27 under the provisions of the APA and shall not be bound by this Stipulation and Agreement

1 herein.

2 7. The Order or any subsequent order of the Real Estate Commissioner made
3 pursuant to this Stipulation and Agreement herein shall not constitute an estoppel, merger, or bar
4 to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any
5 matters which were not specifically alleged to be causes for Accusation in this proceeding, but do
6 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
7 the Accusation against Respondent herein.

8 8. Respondents understand that by agreeing to this Stipulation and Agreement,
9 Respondents agree to pay, pursuant to California Business and Professions Code section 10148,
10 the cost of the audits of International Team Realty and Rick Arciniega. The amount of said
11 audits (LA090182, LA090206, and LA090207) is \$7,980.00.

12 9. Respondents have received and read, and understand the "Notice Concerning
13 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
14 the findings set forth below in the Determination of Issues become final, and the Commissioner
15 may charge Respondents for the cost of any subsequent audit conducted pursuant to California
16 Business and Professions Code section 10148 to determine if the violations have been corrected.
17 The maximum cost of the subsequent audit will not exceed \$7,980.00.

18 10. Respondents understand that by agreeing to this Stipulation and Agreement,
19 Respondents agree to pay, pursuant to California Business and Professions Code section 10106,
20 the cost of the investigation and enforcement. The amount of investigation and enforcement cost
21 is \$1,869.50.

22
23 DETERMINATION OF ISSUES

24 By reason of the foregoing, it is stipulated and agreed that the following
25 determination of issues shall be made:

26 I.

27 The conduct, acts, or omissions of Respondents INTERNATIONAL TEAM

1 REALTY and RICK ARCINIEGA, as described in the Accusation and Paragraph 4, above, are in
2 violation of California Business and Professions Code sections 10145, 10240(c), 10176(a),
3 10161.8, and 10162, and Title 10, Chapter 6 of the California Code of Regulations, sections
4 2832.1, 2840, 2752, 2715, and 2742(c), and are a basis for discipline of Respondents' license and
5 license rights as violation of the Real Estate Law pursuant to California Business and Professions
6 Code section 10177(d) and 10177(g).

7 II.

8 The conduct, acts or omissions of Respondent RICK ARCINIEGA, as described
9 in the Accusation and Paragraph 4, above, are in violation of California Business and Professions
10 Code sections 10240(c) and 10159.5, and Title 10, Chapter 6 of the California Code of
11 Regulations, sections 2840 and 2731, and are a basis for discipline of Respondent's license and
12 license rights as violations of the Real Estate Law pursuant to California Business and
13 Professions Code section 10177(a), 10177(d), 10177(f), 10177(g), 10177(h).

14
15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 I.

18 All licenses and licensing rights of Respondents INTERNATIONAL TEAM
19 REALTY and RICK ARCINIEGA under the Real Estate Law are suspended for a period of
20 ninety (90) days from the effective date of this Decision:

21 A. Provided, however, that if a Respondent so requests, the initial thirty (30) days
22 of said suspension (or a portion thereof) shall be stayed upon condition that:

23 1. Respondent pays a monetary penalty pursuant to California Business and
24 Professions Code section 10175.2 at the rate of \$83.34 for the first 29 days and \$83.14 for the
25 last day of the 30-day suspension for a total monetary penalty of \$2,500.00 for each Respondent,
26 or \$5,000.00 total.

27 2. Said payment shall be in the form of a cashier's check or certified check made

1 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
2 Bureau of Real Estate prior to the effective date of the Decision in this matter.

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

5 4. If Respondents fail to pay the monetary penalty in accordance with the terms of
6 the Decision, the Commissioner may, without a hearing, order the immediate execution of all or
7 any part of the stayed suspension, in which event Respondents shall not be entitled to any
8 repayment nor credit, prorated or otherwise, for money paid to the Bureau of Real Estate under
9 the terms of this Decision.

10 5. If Respondents pay the monetary penalty and if no further cause for
11 disciplinary action against the real estate license of Respondents occurs within two (2) years from
12 the effective date of the Decision, the stay hereby granted shall become permanent.

13 B. The remaining sixty (60) days of the ninety (90) day suspension shall be stayed
14 for two (2) years upon the following terms and conditions:

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

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

23 II.

24 Pursuant to California Business and Professions Code section 10148, Respondents
25 INTERNATIONAL TEAM REALTY and RICK ARCINIEGA shall pay the Commissioner's
26 reasonable cost for (a) the audits which led to this disciplinary action and (b) a subsequent audit
27 to determine if Respondents are now in compliance with the Real Estate Law. The cost of the

1 original audits which led to this disciplinary action is \$7,980.00. In calculating the amount of the
2 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
3 for all persons performing audits of real estate brokers, and shall include an allocation for travel
4 time to and from the auditor's place of work. Respondents are jointly and severally liable for the
5 cost of the audits.

6 Respondents shall pay audit costs within 60 days of receiving an invoice from the
7 Commissioner detailing the activities performed during the audit and the amount of time spent
8 performing those activities.

9 The Commissioner may suspend the licenses of Respondents pending a hearing
10 held in accordance with California Government Code section 11500, et seq., if payment is not
11 timely made as provided for herein, or as provided for in a subsequent agreement between a
12 Respondent and the Commissioner. The suspension shall remain in effect until payment is made
13 in full or until a Respondent enters into an agreement satisfactory to the Commissioner to
14 provide for payment, or until a decision providing otherwise is adopted following a hearing held
15 pursuant to this condition.

16 III.

17 Pursuant to California Business and Professions Code section 10106, Respondents
18 INTERNATIONAL TEAM REALTY and RICK ARCINIEGA shall pay the Commissioner's
19 reasonable cost for investigation and enforcement of the matter within sixty (60) days after the
20 effective date of this Decision. The investigation and enforcement cost which led to this
21 disciplinary action is \$1,869.50. Said payment shall be in the form of a cashier's check or
22 certified check made payable to the Bureau of Real Estate.

23 The Commissioner may suspend the licenses of Respondents pending a hearing
24 held in accordance with California Government Code section 11500, et seq., if payment is not
25 timely made as provided for herein, or as provided for in a subsequent agreement between the
26 Respondents and the Commissioner. The suspension shall remain in effect until payment is
27 made in full or until Respondents enter into an agreement satisfactory to the Commissioner to

1 provide for payment, or until a decision providing otherwise is adopted following a hearing held
2 pursuant to this condition.

3 IV.

4 A. Respondent RICK ARCINIEGA shall, within six (6) months from the
5 effective date of the Decision, take and pass the Professional Responsibility Examination
6 administered by the Bureau of Real Estate including the payment of the appropriate examination
7 fee. If Respondent RICK ARCINIEGA fails to satisfy this condition, the Commissioner may
8 order suspension of Respondent RICK ARCINIEGA's license until Respondent RICK
9 ARCINIEGA passes the examination. The Commissioner shall afford Respondent RICK
10 ARCINIEGA the opportunity for a hearing pursuant to the Administrative Procedure Act to
11 present such evidence.

12 B. Respondent RICK ARCINIEGA shall, within nine (9) months from the
13 effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner
14 that Respondent RICK ARCINIEGA has, since the most recent issuance of an original or renewal
15 real estate license, taken and successfully completed the continuing education requirements of
16 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If
17 Respondent RICK ARCINIEGA fails to satisfy this condition, the Commissioner may order the
18 suspension of RICK ARCINIEGA's license until Respondent RICK ARCINIEGA presents such
19 evidence. The Commissioner shall afford Respondent RICK ARCINIEGA the opportunity for a
20 hearing pursuant to the Administrative Procedure Act to present such evidence.

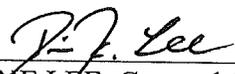
21 C. All licenses and licensing rights of Respondent RICK ARCINIEGA are
22 indefinitely suspended unless or until Respondent RICK ARCINIEGA provides proof
23 satisfactory to the Commissioner, of having taken and successfully completed the continuing
24 education course on trust fund accounting and handling specified in California Business and
25 Professions Code section 10170.5(a)(3). Proof of satisfaction of this requirement includes
26 evidence that Respondent RICK ARCINIEGA has successfully completed the trust fund account
27

1 and handling continuing education course within 120 days prior to the effective date the Decision
2 in this matter.

4 V.

5 All proof required by this Decision shall be sent to the Bureau of Real Estate at:
6 Bureau of Real Estate, Attn: Legal Section – Counsel Diane Lee, 320 West Fourth St., Ste. 350,
7 Los Angeles, California 90013-1105.

8 DATED: 01/16/2014

9 
DIANE LEE, Counsel for
10 Bureau of Real Estate

11 * * *

12 EXECUTION OF THE STIPULATION

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

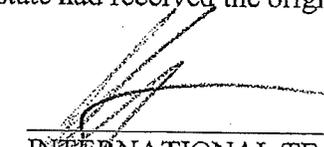
21 MAILING AND FACSIMILE

22 Respondents (1) shall mail the original signed signature page of the Stipulation
23 herein to Bureau of Real Estate, Attn: Legal Section – Counsel Diane Lee, 320 West Fourth St.,
24 Ste. 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy of
25 signed signature page, to the Bureau of Real Estate at the following fax number: (213) 576-6917,
26 Attention: Diane Lee.

27 A facsimile constitutes acceptance and approval of the terms and conditions of

1 this stipulation. Respondents agree, acknowledge, and understand that by electronically sending
 2 to the Bureau of Real Estate a facsimile copy of Respondents' actual signatures as they appear on
 3 the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding
 4 on Respondents as if the Bureau of Real Estate had received the original signed stipulation.

5
 6 DATED: 1/15/14


 INTERNATIONAL TEAM REALTY, Respondent
 By: RICK ARCINIEGA, as designated officer

8
 9 DATED: 1/15/14


 RICK ARCINIEGA, Respondent,
 individually and as designated officer of
 International Team Realty

12 * * *

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
 14 Respondents INTERNATIONAL TEAM REALTY and RICK ARCINIEGA, and shall become
 15 effective at 12 o'clock noon on _____, 2014.

16
 17 IT IS SO ORDERED _____, 2014.

18
 19 REAL ESTATE COMMISSIONER
 20
 21
 22
 23
 24
 25
 26
 27

1 this stipulation. Respondents agree, acknowledge, and understand that by electronically sending
2 to the Bureau of Real Estate a facsimile copy of Respondents' actual signatures as they appear on
3 the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding
4 on Respondents as if the Bureau of Real Estate had received the original signed stipulation.

5
6 DATED: _____

INTERNATIONAL TEAM REALTY, Respondent
By: RICK ARCINIEGA, as designated officer

7
8
9 DATED: _____

RICK ARCINIEGA, Respondent,
Individually and as designated officer of
International Team Realty

10
11
12 * * *

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
14 Respondents INTERNATIONAL TEAM REALTY and RICK ARCINIEGA, and shall become
15 effective at 12 o'clock noon on **MAR 26 2014**, 2014.

16
17 IT IS SO ORDERED March 3, 2014.

18
19 REAL ESTATE COMMISSIONER

20
21 

22
23 WAYNE S. BELL