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1 Bureau of Real Estate
320 West 4th Street, Suite 350
2 Los Angeles, California 90013-1105

FILED

APR 01 2014

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4 (213) 576-6910

BUREAU OF REAL ESTATE

By *J. Demus*

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8 BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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11
12 In the Matter of the Accusation of)
13 EXCEL REALTY GROUP INC,)
14 Respondent.)
15)

BRE No: H-39165 LA
OAH No: 2013120490

STIPULATION AND
AGREEMENT

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17 It is hereby stipulated by and between Respondent
18 EXCEL REALTY GROUP INC and the Complainant, acting by and through
19 James A. Demus, Counsel for the Bureau of Real Estate, as follows
20 for the purpose of settling and disposing of the Accusation filed
21 on November 22, 2013, in this matter:

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

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Bureau of Real Estate in this
6 proceeding.

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

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
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1 allegations.

2 5. This Stipulation is made for the purpose of
3 reaching an agreed disposition of this proceeding and is
4 expressly limited to this proceeding and any other proceeding or
5 case in which the Bureau of Real Estate ("Bureau"), the state or
6 federal government, or any agency of this state, another state or
7 federal government is a party.

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

18 7. The Order or any subsequent Order of the Real
19 Estate Commissioner made pursuant to this Stipulation shall not
20 constitute an estoppel, merger or bar to any further
21 administrative or civil proceedings by the Bureau of Real Estate
22 with respect to any matters which were not specifically alleged
23 to be causes for Accusation in this proceeding but do constitute
24 a bar, estoppel and merger as to any allegations actually
25 contained in the Accusation against Respondent herein.

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1 DETERMINATION OF ISSUES

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

4 I.

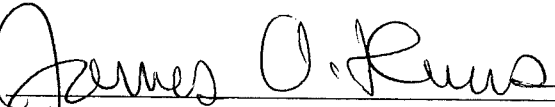
5 The conduct of EXCEL REALTY GROUP INC, as described in
6 Paragraph 4, hereinabove, provides a basis for discipline of its
7 license and license rights pursuant to Business and Professions
8 Code Sections 10165 and 10177(g).

9 ORDER

10 WHEREFORE, THE FOLLOWING ORDER is hereby made:

11 Respondent EXCEL REALTY GROUP INC is publicly reprovded.

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13 DATED: 2/5/14

14 
15 JAMES A. DEMUS, Counsel for
16 the Bureau of Real Estate

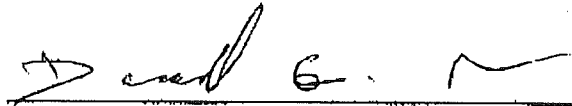
16 EXECUTION OF THE STIPULATION

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

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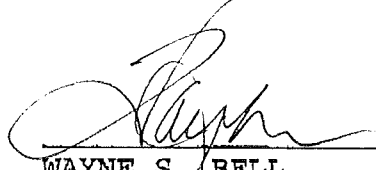
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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Bureau at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: 2/4/2014 
DONALD GUY RISNER, as Designated Officer of EXCEL REALTY GROUP INC

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent EXCEL REALTY GROUP INC and shall become effective at 12 o'clock noon on

APR 22 2014, 2014
IT IS SO ORDERED March 6, 2014

Real Estate Commissioner

WAYNE S. BELL