

**FILED**

APR - 7 2015

**BUREAU OF REAL ESTATE**

By 

1 Bureau of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982  
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7

8 **BEFORE THE BUREAU OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 \* \* \*

11 In the Matter of the Accusation of

No. H-39552 LA

12 **BALBOA CREDIT GROUP INC.;**  
13 **ADELA C. OLIVARES, individually**  
14 **and as Designated Officer of Balboa**  
15 **Credit Group Inc.; and JOHN STEVEN**  
16 **GOLIATH, individually and as**  
17 **Designated Officer of Balboa Credit**  
18 **Group Inc.,**

STIPULATION

AND

AGREEMENT

19 Respondents.

20 It is hereby stipulated by and between Respondent JOHN STEVEN GOLIATH,  
21 (sometimes referred to as "Respondent"), acting on his own behalf, and the Complainant, acting  
22 by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the  
23 purpose of settling and disposing of the Accusation filed on July 25, 2014, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent,

1 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
2 this proceeding.

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

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

17           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
18 this proceeding and is expressly limited to this proceeding and not any other proceeding or case  
19 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another  
20 state, or the federal government is involved, and otherwise shall not be admissible in any other  
21 criminal or civil proceeding.

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 Respondent's 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 the Stipulation, the Stipulation shall  
26 be void and of no effect and Respondent shall retain the right to a hearing and proceed on the  
27 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver

1 made herein.

2 7. The Order or any subsequent Order of the Real Estate Commissioner made  
3 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
5 which were not specifically alleged to be causes for accusation in this proceeding.

6 DETERMINATION OF ISSUES

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

9 The conduct, acts or omissions of JOHN STEVEN GOLIATH, as described in  
10 Paragraph 4, above, are in violation of Section 10177(h) of the Business and Professions Code  
11 ("Code") and Section 2725 of Title 10, Chapter 6 of the California Code of Regulations  
12 ("Regulations") and are a basis for discipline of Respondent's license and license rights as a  
13 violation of the Real Estate Law pursuant to Code Section 10177(h).

14  
15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17  
18 I.

19 A. All licenses and licensed rights of Respondent JOHN STEVEN GOLIATH  
20 under the Real Estate Law are suspended for a period of ninety (90) days from the effective date  
21 of this Decision; provided, however, that the initial thirty (30) days of that suspension shall be  
22 stayed for two years upon the following terms and conditions:

23 1. Respondent JOHN STEVEN GOLIATH shall pay a monetary penalty pursuant  
24 to Section 10175.2 of the Business and Professions Code of \$50.00 per day for each of the thirty  
25 days for a total monetary penalty of \$1,500.00.

26 2. Said payment shall be in the form of a cashier's check or certified check made  
27 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the

1 Bureau prior to the effective date of the Decision in this matter.

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

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

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

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

16 1. Respondent JOHN STEVEN GOLIATH shall obey all laws, rules and  
17 regulations governing the rights, duties and responsibilities of a real estate licensee in the State  
18 of California; and

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

25 II.

26 Respondent shall, within nine (9) months from the effective date of this Decision,  
27 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the

1 most recent issuance of an original or renewal real estate license, taken and successfully  
2 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
3 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the  
4 Commissioner may, in his discretion, vacate and set aside the stay order and reimpose all or a  
5 portion of the stayed suspension until Respondent presents such evidence. The Commissioner  
6 shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure  
7 Act to present such evidence.

8  
9 III.

10 Respondent shall, within six (6) months after the effective date of this Decision,  
11 take and pass the Professional Responsibility Examination administered by the Bureau including  
12 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the  
13 Commissioner may order suspension of Respondent's real estate broker license until Respondent  
14 passes the examination.

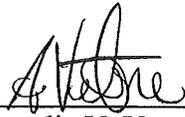
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16 IV.

17 Pursuant to Sections 10106 and 10148 of the Business and Professions Code,  
18 Respondent shall pay the Commissioner's reasonable costs for (a) investigation of the case and  
19 (b) the audit which led to this disciplinary action. For the purposes of this Stipulation and  
20 Agreement, Respondent agrees to pay the full sum of \$2,500.00 for the costs of investigation and  
21 audit. Respondent shall pay such cost within 60 days of the effective date of this Decision.

22 The Commissioner may suspend the license of Respondent pending a hearing held  
23 in accordance with Section 11500, et seq., of the Government Code, if payment is not timely  
24 made as provided for herein, or as provided for in a subsequent agreement between the  
25 Respondent and the Commissioner. The suspension shall remain in effect until payment is made  
26 in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide  
27 for payment, or until a decision providing otherwise is adopted following a hearing held pursuant

1 to this condition.

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4 DATED: 3-12-15

  
Amelia V. Vetrone, Counsel for  
the Bureau of Real Estate

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7 \* \* \*

8 EXECUTION OF THE STIPULATION

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

16 Respondent shall (1) mail the original signed signature page of the stipulation  
17 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth  
18 St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent shall also (2)  
19 facsimile a copy of the signed signature page, to the Bureau at the following fax number: (213)  
20 576-6917, Attention: Amelia V. Vetrone.

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22  
23 DATED: 3/9/15

  
JOHN STEVEN GOLIATH,  
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
Respondent JOHN STEVEN GOLIATH and shall become effective at 12 o'clock noon on  
APR 27 2015.

IT IS SO ORDERED MARCH 25, 2015.

Real Estate Commissioner



By: JEFFREY MASON  
Chief Deputy Commissioner