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FILED

FEB 24 2016

BUREAU OF REAL ESTATE

By *[Signature]*

1 Bureau of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013
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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-39799 LA
)	L-2015 041 089
)	
DLT LEGENDS REALTY, INC.)	<u>STIPULATION AND AGREEMENT</u>
dba Legends Realty;)	
and MICHAEL ROBERT)	
NAUDIN individually)	
and as designated officer of)	
DLT Legends Realty, Inc.,)	
)	
)	
Respondents.)	
)	

It is hereby stipulated by and between DLT LEGENDS REALTY, INC. and MICHAEL ROBERT NAUDIN (sometimes referred to as Respondents), and their attorney, Steven C. Vondran, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of Accusation filed in this matter.

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1 1. All issues which were contested and all evidence
2 which was presented by Complainant and Respondents at a formal
3 hearing on the Accusation, which hearing is to be held in
4 accordance with the provisions of the Administrative Procedure
5 Act ("APA"), shall instead and in place thereof be submitted
6 solely on the basis of the provisions of this Stipulation and
7 Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act ("APA") and the Accusation filed by
11 the Bureau of Real Estate in this proceeding.

12 3. On April 21, 2015, Respondents filed a Notice of
13 Defense pursuant to Section 11506 of the Government Code for the
14 purpose of requesting a hearing on the allegations in the
15 Accusation. Respondents hereby freely and voluntarily withdraw
16 said Notice of Defense. Respondents acknowledge that they
17 understand that by withdrawing said Notice of Defense they will
18 thereby waive their right to require the Commissioner to prove
19 the allegations in the Accusation at a contested hearing held in
20 accordance with the provisions of the APA and that they will
21 waive other rights afforded to them in connection with the
22 hearing such as the right to present evidence in defense of the
23 allegations in the Accusation and the right to cross-examine
24 witnesses.

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1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this
3 proceeding. In the interest of expedience and economy,
4 Respondents choose not to contest these factual allegations, but
5 to remain silent and understand that, as a result thereof, these
6 factual statements, will serve as a prima facie basis for the
7 disciplinary action stipulated to herein. The Real Estate
8 Commissioner shall not be required to provide further evidence
9 to prove such allegations.

10 5. This Stipulation is made for the purpose of
11 reaching an agreed disposition of this proceeding and is
12 expressly limited to this proceeding and any other proceeding or
13 case in which the Bureau of Real Estate ("Bureau"), the state or
14 federal government, or an agency of this state, another state or
15 the federal government is involved.

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

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1 1) Thirty (30) days of said suspension shall be
2 stayed, upon condition that Respondents petition pursuant to
3 Section 10175.2 of the Code at a rate of \$50 for each day of the
4 suspension for a total monetary penalty of \$1,500.

5 a) Said payment shall be in the form of a
6 cashier's check made payable to the Bureau of Real Estate. Said
7 check must be delivered to the Bureau of Real Estate, Flag
8 Section at P. O. Box 137013, Sacramento, CA 95813-7013, prior to
9 the effective date of this Decision and Order.

10 b) No further cause for disciplinary action
11 against the Real Estate licenses of Respondents occurs within
12 two (2) years from the effective date of the Decision and Order
13 in this matter.

14 c) If Respondents fail to pay the monetary
15 penalty in accordance with the terms and condition of this
16 Decision and Order, the suspension shall go into effect
17 automatically. Respondents shall not be entitled to any
18 repayment nor credit, prorated or otherwise, for money paid to
19 the Bureau under the terms of this Decision and Order.

20 d) If Respondents pay the monetary penalty and
21 any other moneys due under this Stipulation and Agreement and if
22 no further cause for disciplinary action against the real estate
23 licenses of said Respondents occurs within two (2) years from
24 the effective date of this Decision and Order, the entire stay
25 hereby granted pursuant to this Decision and Order, as to said
26 Respondents only, shall become permanent.
27

1 2) Respondent NAUDIN shall, within nine (9) months
2 from the effective date of this Decision and Order, present
3 evidence satisfactory to the Commissioner that Respondent has
4 since the most recent issuance of an original or renewal real
5 estate license, taken and successfully completed the continuing
6 education requirements of Article 2.5 of Chapter 3 of the Real
7 Estate Law for renewal of a real estate license. If Respondent
8 fails to satisfy this condition, Respondent's real estate
9 license shall automatically be suspended until Respondent
10 presents evidence satisfactory to the Commissioner of having
11 taken and successfully completed the continuing education
12 requirements. Proof of completion of the continuing education
13 courses must be delivered to the Bureau of Real Estate, Flag
14 Section at P. O. Box 137013, Sacramento, CA 95813-7013.

15 3) Pursuant to Section 10148 of the Code, Respondents
16 shall pay the sum of \$5,764.40 for the Commissioner's cost of
17 the audit which led to this disciplinary action. Respondents
18 shall pay such cost within sixty (60) days of receiving an
19 invoice therefore from the Commissioner. Payment of audit costs
20 should not be made until Respondents receive the invoice. If
21 Respondents fail to satisfy this condition in a timely manner as
22 provided for herein, Respondents' real estate licenses shall
23 automatically be suspended until payment is made in full or
24 until a decision providing otherwise is adopted following a
25 hearing held pursuant to this condition.
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1 Pursuant to Section 10148 of the Code, Respondents
2 shall pay the Commissioner's reasonable cost, not to exceed
3 \$5764, for an audit to determine if Respondents have corrected
4 the violations found in the Determination of Issues. In
5 calculating the amount of the Commissioner's reasonable cost,
6 the Commissioner may use the estimated average hourly salary for
7 all persons performing audits of real estate brokers, and shall
8 include an allocation for travel time to and from the auditor's
9 place of work. Respondents shall pay such cost within 60 days
10 of receiving an invoice from the Commissioner. Payment of the
11 audit costs should not be made until Respondents receive the
12 invoice. If Respondents fail to satisfy this condition in a
13 timely manner as provided for herein, Respondents' real estate
14 licenses shall automatically be suspended until payment is made
15 in full, or until a decision providing otherwise is adopted
16 following a hearing held pursuant to this condition.
17

18 4) All licenses and licensing rights of Respondent
19 NAUDIN are indefinitely suspended unless or until Respondent
20 provides proof satisfactory to the Commissioner of having taken
21 and successfully completed the continuing education course on
22 trust fund accounting and handling specified in paragraph (3) of
23 subdivision (a) of Section 10170.5 of the Business and
24 Professions Code. Proof of satisfaction of these requirements
25 includes evidence that Respondent has successfully completed the
26 trust fund account and handling continuing education courses, no
27 earlier than 120 days prior to the effective date of the

1 Decision and Order in this matter. Proof of completion of the
2 trust fund accounting and handling course must be delivered to
3 the Bureau of Real Estate, Flag Section at P.O. Box 137013,
4 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to
5 the effective date of the Decision and Order.

6 5) All licenses and licensing rights of Respondents
7 are indefinitely suspended unless or until Respondents pay the
8 sum of \$1,627.65 for the Commissioner's reasonable cost of the
9 investigation and enforcement which led to this disciplinary
10 action. Said payment shall be in the form of a cashier's check
11 made payable to the Bureau of Real Estate. The investigative
12 and enforcement costs must be delivered to the Bureau of Real
13 Estate, Flag Section at P. O. Box 137013, Sacramento, CA 95813-
14 7013, prior to the effective date of this Decision and Order.

15 DATED: 1-26-16

James R. Peel
16 JAMES R. PEEL, Counsel for the
17 Bureau of Real Estate

18 * * *

19 We have read the Stipulation and Agreement, and its
20 terms are understood by us and are agreeable and acceptable to
21 us. We understand that we are waiving rights given to us by the
22 California Administrative Procedure Act (including but not
23 limited to Sections 11506, 11508, 11509 and 11513 of the
24 Government Code), and we willingly, intelligently and
25 voluntarily waive those rights, including the right of requiring
26 the Commissioner to prove the allegations in the Accusation at a
27 hearing at which we would have the right to cross-examine

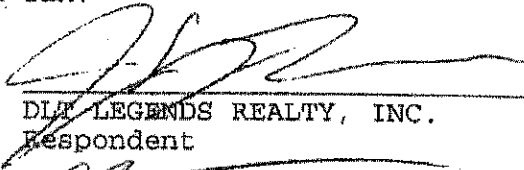
1 witnesses against us and to present evidence in defense and
2 mitigation of the charges.

3 Respondents can signify acceptance and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
5 a copy of the signature page, as actually signed by Respondents,
6 to the Bureau at the following telephone/fax number:

7 (213) 576-6917. Respondents agree, acknowledge and understand
8 that by electronically sending to the Bureau a fax copy of their
9 actual signature as it appears on the Stipulation and
10 Agreement, that receipt of the faxed copy by the Bureau shall be
11 as binding on Respondents as if the Bureau had received the
12 original signed Stipulation and Agreement.

13 Further, if the Respondents are represented, the
14 Respondents' counsel can signify his or her agreement to the
15 terms and conditions of the Stipulation and Agreement by
16 submitting that signature via fax.

17 DATED: 1-26-16


DLA LEGENDS REALTY, INC.
Respondent

18 DATED: 1-26-16


MICHAEL ROBERT NAUDIN
Respondent

19 DATED: 1-26-16


STEVEN C. VONDRAN
Counsel for Respondents

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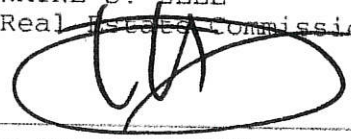
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision and Order in this matter, and shall
become effective at 12 o'clock noon on March 25, 2016

IT IS SO ORDERED February 19, 2016

WAYNE S. BELL
Real Estate Commissioner



By: JEFFREY MASON
Chief Deputy Commissioner