

1 BUREAU OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

FILED

FEB 28 2017

BUREAU OF REAL ESTATE

By *[Signature]*

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8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

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11  
12 In the Matter of the Accusation against ) CalBRE No. H-40293 LA  
13 ) OAH No. 2016070992  
14 CONNECT REALTY ESCROW, INC. )  
15 THOMAS LEE PIVETTI, individually and as ) STIPULATION AND AGREEMENT  
16 designated officer of Connect Realty Escrow, ) IN SETTLEMENT AND ORDER  
17 Inc., and RAYMOND PAUL JUNE, )  
18 Respondents. )  
19 )

20 It is hereby stipulated by and between Respondents THOMAS LEE PIVETTI and  
21 RAYMOND PAUL JUNE (collectively "Respondents") and their attorney, Frank M. Buda, and  
22 Complainant, acting by and through Lissete Garcia, Counsel for the Bureau of Real Estate  
23 ("Bureau"), as follows for the purpose of settling and disposing the Accusation filed on June 23,  
24 2016, with Bureau Case No. H-40293 LA ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by  
Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be  
held in accordance with the provisions of the Administrative Procedure Act (herein "APA"),

Stipulation and Agreement  
H-40293 LA

1 shall instead and in place thereof be submitted on the basis of the provisions of this Stipulation  
2 and Agreement in Settlement and Order ("Stipulation").

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

5 3. Notices of Defense were filed by Respondents pursuant to Section 11506 of the  
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
7 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents  
8 acknowledge and understand that by withdrawing said Notices of Defense they will thereby  
9 waive their rights to require the Real Estate Commissioner ("Commissioner") to prove the  
10 allegations in the Accusation at a contested hearing held in accordance with the provisions of the  
11 APA and that they will waive other rights afforded to them in connection with the hearing such  
12 as the right to present evidence in defense of the allegations in the Accusation and the right to  
13 cross-examine witnesses.

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

20 5. This Stipulation and Respondents' decision not to contest the Accusation are made for  
21 the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this  
22 proceeding and any other proceeding or case in which the Bureau of Real Estate, or another  
23 licensing agency of this state, another state or if the federal government is involved and  
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1 otherwise shall not be admissible in any other criminal or civil proceedings.

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

9           7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to  
10 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
11 civil proceedings by the Bureau of Real Estate with respect to any conduct which was not  
12 specifically alleged to be causes for accusation in this proceeding.

13           8. Respondents understand that by agreeing to this Stipulation, Respondents agree to  
14 pay, pursuant to Section 10148 of the California Business and Professions Code ("Code"), the  
15 cost of the audit which resulted in the determination that Respondent committed the violations  
16 found in the "Determination of Issues" below. The amount of said cost is \$4,782.30.

17           9. Respondents further understand that by agreeing to this Stipulation, Respondents  
18 agree to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs of  
19 \$2,822.54 which led to this disciplinary action.

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1 DETERMINATION OF ISSUES

2 I.

3 The conduct, acts and/or omissions of Respondent Respondents THOMAS LEE  
4 PIVETTI ("PIVETTI"), as set forth in Paragraph 17 of the Accusation, constitute cause for the  
5 suspension or revocation of all real estate licenses and license rights of Respondent PIVETTI  
6 under Business and Profession Code section 10177(h).

7 II.

8 The conduct, acts and/or omissions of Respondent RAYMOND PAUL JUNE ("JUNE"),  
9 as set forth in Paragraph 17 of the Accusation, constitute cause for the suspension or revocation  
10 of all real estate licenses and license rights of Respondent JUNE under Business and Profession  
11 Code section 10177(g).

12 ORDER

13 I.

14 All licenses and license rights of Respondent PIVETTI are suspended for a period of 60  
15 days from the effective date of this Decision and Order; provided, however, that:

16 1) The initial 30 days of said suspension shall be stayed, upon the condition that  
17 Respondent PIVETTI petitions pursuant to Section 10175.2 of the Code and pays a monetary  
18 penalty pursuant to Section 10175.2 of the Code at a rate of \$66.67 per day for a total monetary  
19 penalty of \$2,000.00.

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

1 b) No further cause for disciplinary action against the Real Estate license of  
2 Respondent occurs within two (2) years from the effective date of the Decision  
3 and Order in this matter.

4 c) If Respondent PIVETTI fails to pay the monetary penalty in accordance with the  
5 terms and conditions of this Decision and Order, the suspension shall go into  
6 effect automatically. Respondent shall not be entitled to any repayment nor  
7 credit, prorated or otherwise, for money paid to the Bureau under the terms of  
8 this Decision and Order.

9 d) If Respondent pays the monetary penalty and any other moneys due under this  
10 Stipulation and if no further cause for disciplinary action against the real estate  
11 license of Respondent occurs within two (2) years from the effective date of this  
12 Decision and Order, the entire stay hereby granted pursuant to this Decision and  
13 Order shall become permanent.

14 2) The latter 30 days of said suspension shall be stayed for two (2) years upon the  
15 following terms and conditions:

16 a) Respondent shall obey all laws, rules and regulations governing the rights, duties  
17 and responsibilities of a real estate licensee in the State of California; and,

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

1           3) All licenses and licensing rights of Respondent PIVETTI are indefinitely  
2 suspended unless or until Respondent PIVETTI pays, jointly or severally with Respondent  
3 JUNE, the sum of \$2,822.54 for the Commissioner's reasonable cost of the investigation and  
4 enforcement which led to this disciplinary action. Said payment shall be in the form of a  
5 cashier's check made payable to the Bureau of Real Estate. **The investigative and enforcement**  
6 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**  
7 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**

8           4) Pursuant to Section 10148 of the Code, Respondent PIVETTI shall pay, jointly or  
9 severally with Respondent JUNE, the sum of \$4,782.30 for the Commissioner's cost of the audit  
10 which led to this disciplinary action. **Respondents shall pay such cost within sixty (60) days**  
11 **of receiving an invoice therefore from the Commissioner.** Payment of audit costs should not  
12 be made until Respondents receive the invoice. If Respondents fail to satisfy this condition in a  
13 timely manner as provided for herein, Respondents' real estate licenses shall automatically be  
14 suspended until payment is made in full, or until a decision providing otherwise is adopted  
15 following a hearing held pursuant to this condition.

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

1 be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,  
2 CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this Decision and  
3 Order.

4 6) Respondent PIVETTI shall, within six (6) months from the effective date of  
5 **this Decision and Order**, take and pass the Professional Responsibility Examination  
6 administered by the Bureau including the payment of the appropriate examination fee. If  
7 Respondent PIVETTI fails to satisfy this condition, Respondent PIVETTI's real estate license  
8 shall automatically be suspended until Respondent PIVETTI passes the examination.

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

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1 II.

2 All licenses and license rights of Respondent JUNE are suspended for a period of 60 days  
3 from the effective date of this Decision and Order; provided, however, that:

4 1) The initial 30 days of said suspension shall be stayed, upon the condition that  
5 Respondent JUNE petitions pursuant to Section 10175.2 of the Code and pays a monetary  
6 penalty pursuant to Section 10175.2 of the Code at a rate of \$66.67 per day for a total monetary  
7 penalty of \$2,000.00.

8 a) Said payment shall be in the form of a cashier's check made payable to  
9 the Bureau of Real Estate. Said check must be delivered to the Bureau of  
10 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-  
11 7013, prior to the effective date of this Decision and Order.

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

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

20 d) If Respondent pays the monetary penalty and any other moneys due under this  
21 Stipulation and if no further cause for disciplinary action against the real  
22 estate license of Respondent occurs within two (2) years from the effective  
23

1 date of this Decision and Order, the entire stay hereby granted pursuant to this  
2 Decision and Order shall become permanent.

3 2) The latter 30 days of said suspension shall be stayed for two (2) years upon the  
4 following terms and conditions:

5 a) Respondent shall obey all laws, rules and regulations governing the rights,  
6 duties and responsibilities of a real estate licensee in the State of California;  
7 and,

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

15 3) All licenses and licensing rights of Respondent JUNE are indefinitely suspended  
16 unless or until Respondent JUNE pays, jointly or severally with Respondent PIVETTI, the sum  
17 of \$2,822.54 for the Commissioner's reasonable cost of the investigation and enforcement which  
18 led to this disciplinary action. Said payment shall be in the form of a cashier's check made  
19 payable to the Bureau of Real Estate. **The investigative and enforcement costs must be**  
20 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**  
21 **95813-7013, prior to the effective date of this Decision and Order.**

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1        4) Pursuant to Section 10148 of the Code, Respondent JUNE shall pay, jointly or  
2 severally with Respondent PIVETTI, the sum of \$4,782.30 for the Commissioner's cost of the  
3 audit which led to this disciplinary action. **Respondents shall pay such cost within sixty (60)**  
4 **days of receiving an invoice therefore from the Commissioner.** Payment of audit costs  
5 should not be made until Respondents receive the invoice. If Respondents fail to satisfy this  
6 condition in a timely manner as provided for herein, Respondents' real estate licenses shall  
7 automatically be suspended until payment is made in full, or until a decision providing otherwise  
8 is adopted following a hearing held pursuant to this condition.

9        5) All licenses and licensing rights of Respondent JUNE are indefinitely suspended  
10 unless or until Respondent JUNE provides proof satisfactory to the Commissioner, of having  
11 taken and successfully completed the continuing education course on trust fund accounting and  
12 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and  
13 Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent  
14 has successfully completed the trust fund account and handling continuing education courses, no  
15 earlier than 120 days prior to the effective date of the Decision and Order in this matter. **Proof**  
16 **of completion of the trust fund accounting and handling course must be delivered to the**  
17 **Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by**  
18 **fax at 916-263-8758, prior to the effective date of this Decision and Order.**

19        6) Respondent JUNE shall, within six (6) months from the effective date of this  
20 **Decision and Order,** take and pass the Professional Responsibility Examination administered by  
21 the Bureau including the payment of the appropriate examination fee. If Respondent JUNE fails  
22 to satisfy this condition, Respondent JUNE's real estate license shall automatically be suspended  
23 until Respondent JUNE passes the examination.

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

11 DATED: 1/27/2017

  
\_\_\_\_\_  
Lisete Garcia, Counsel  
Bureau of Real Estate

13 \* \* \*

14 We have read this Stipulation and its terms are understood by us and are agreeable and  
15 acceptable to us. We understand that we are waiving rights given to us by the California APA  
16 (including, but not limited to, Sections 11506, 11508, 11509, and 11513 of the Government  
17 Code), and we willingly, intelligently, and voluntarily waive those rights, including the right of  
18 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which we  
19 would have the right to cross-examine witnesses against us and to present evidence in defense  
20 and mitigation of the charges.

21 Respondents can signify acceptance and approval of the terms and conditions of this  
22 Stipulation and Agreement by electronically e-mailing a copy of the signature pages, as actually  
23 signed by Respondents, to the Bureau. Respondents agree, acknowledge, and understand that by  
24 electronically sending to the Bureau an electronic copy of Respondents' actual signatures, as

1 they appear on the Stipulation, that receipt of the e-mailed copy by the Bureau shall be as  
2 binding on Respondents as if the Bureau had received the original signed Stipulation. By signing  
3 this Stipulation, Respondents understand and agree that Respondents may not withdraw their  
4 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and  
5 acts upon it or prior to the effective date of the Stipulation and Order.

6 DATED: \_\_\_\_\_

Respondent THOMAS LEE PIVETTI

8 DATED: 1-25-2017

Raymond P. June  
Respondent RAYMOND PAUL JUNE

10 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*  
11 *content and have advised my clients accordingly.*

12 DATED: 1-26-17

Frank M. Buda  
Frank M. Buda, Attorney for Respondents

14 \* \* \*

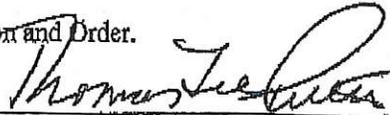
15 The foregoing Stipulation and Agreement in Settlement and Order is hereby  
16 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on  
17 \_\_\_\_\_, 2017.

18 IT IS SO ORDERED \_\_\_\_\_, 2017.

19 WAYNE S. BELL  
20 REAL ESTATE COMMISSIONER

1 they appear on the Stipulation, that receipt of the e-mailed copy by the Bureau shall be as  
2 binding on Respondents as if the Bureau had received the original signed Stipulation. By signing  
3 this Stipulation, Respondents understand and agree that Respondents may not withdraw their  
4 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and  
5 acts upon it or prior to the effective date of the Stipulation and Order.

6 DATED: 1-26-17

  
Respondent THOMAS LEE PIVETTI

7  
8 DATED: \_\_\_\_\_

Respondent RAYMOND PAUL JUNE

9  
10 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*  
11 *content and have advised my clients accordingly.*

12 DATED: 1-26-17

  
Frank M. Buda, Attorney for Respondents

13  
14 \* \* \*

15 The foregoing Stipulation and Agreement in Settlement and Order is hereby  
16 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on  
17 \_\_\_\_\_, 2017.

18 IT IS SO ORDERED \_\_\_\_\_, 2017.

19 WAYNE S. BELL  
20 REAL ESTATE COMMISSIONER  
21  
22 \_\_\_\_\_  
23  
24

1 they appear on the Stipulation, that receipt of the e-mailed copy by the Bureau shall be as  
2 binding on Respondents as if the Bureau had received the original signed Stipulation. By signing  
3 this Stipulation, Respondents understand and agree that Respondents may not withdraw their  
4 agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and  
5 acts upon it or prior to the effective date of the Stipulation and Order.

6 DATED: \_\_\_\_\_

\_\_\_\_\_  
Respondent THOMAS LEE PIVETTI

8 DATED: \_\_\_\_\_

\_\_\_\_\_  
Respondent RAYMOND PAUL JUNE

10 *I have reviewed the Stipulation and Agreement in Settlement and Order as to form and*  
11 *content and have advised my clients accordingly.*

12 DATED: \_\_\_\_\_

\_\_\_\_\_  
Frank M. Buda, Attorney for Respondents

14 \* \* \*

15 The foregoing Stipulation and Agreement in Settlement and Order is hereby  
16 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on  
17 February 20, 2017, 2017.

18 IT IS SO ORDERED February 17, 2017.

19 WAYNE S. BELL  
20 REAL ESTATE COMMISSIONER

21   
22 \_\_\_\_\_