

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED

MAY 28 2020

DEPT. OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-41317 LA
12)
12 HOM REAL ESTATE GROUP, INC.;)
13 ROBERT G. BRAUN, individually and as former) STIPULATION
13 designated officer of HOM Real Estate Group, Inc.; and) AND
14 JAMES HOWARD STEIN, individually and as former) AGREEMENT
14 designated officer of HOM Real Estate Group, Inc.,)
15)
15 Respondents.)
16)

17
18 It is hereby stipulated by and between Respondents ROBERT G. BRAUN
19 ("BRAUN"), individually and as former designated officer of HOM Real Estate Group, Inc., and
20 JAMES HOWARD STEIN ("STEIN"), individually and as former designated officer of HOM
21 Real Estate Group, Inc., both represented by Mary Work, Esq., and the Complainant, acting by
22 and through Diane Lee, Counsel for the Department of Real Estate, as follows for the purpose of
23 settling and disposing of the Accusation ("Accusation") filed on March 11, 2019, in this matter:

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

3 2. Respondents BRAUN and STEIN have received and read, and understand the
4 Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the
5 Department of Real Estate in this proceeding.

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

15 4. This Stipulation is based on the factual allegations contained in the
16 Accusation. In the interest of expedience and economy, Respondents BRAUN and STEIN
17 choose not to contest these allegations, but to remain silent and understand that, as a result
18 thereof, these factual allegations, without being admitted or denied, will serve as a prima facie
19 basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be
20 required to provide further evidence to prove said factual allegations.

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

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

7 7. Respondents BRAUN and STEIN understand that by agreeing to this
8 Stipulation, Respondents BRAUN and STEIN agree to pay, pursuant to California Business and
9 Professions Code section 10106, the cost of the investigation and enforcement. The amount of
10 investigation and enforcement cost is \$1,825.80.

11 8. Respondents BRAUN and STEIN understand that by agreeing to this
12 Stipulation, Respondents BRAUN and STEIN agree to pay, pursuant to California Business and
13 Professions Code section 10148, the cost of the audit which led to this disciplinary action. The
14 amount of said cost for the original audit (SD160043) is \$8,147.55.

15
16 DETERMINATION OF ISSUES

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

19 The conduct, acts, or omissions of Respondents ROBERT G. BRAUN and
20 JAMES HOWARD STEIN, as described in the Accusation and Paragraph 4, above, are a basis
21 for discipline of Respondent BRAUN's and STEIN's licenses and license rights pursuant to
22 California Business and Professions Code section 10159.2 and Title 10, Chapter 6 of the
23 California Code of Regulations, section 2725.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

(BRAUN: SUSPENSION)

I.

All licenses and licensing rights of Respondent BRAUN under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision; provided, however, that thirty (30) days of said suspension shall be stayed upon condition that:

1. Respondent BRAUN pays a monetary penalty pursuant to California Business and Professions Code section 10175.2 at the rate of \$50.00 per day for a monetary penalty of \$1,500.00 total.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department of Real Estate prior to the effective date of the Decision in this matter.

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

4. If Respondent BRAUN fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event Respondent BRAUN shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department of Real Estate under the terms of this Decision.

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

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(STEIN: SUSPENSION)

II.

All licenses and licensing rights of Respondent STEIN under the Real Estate Law are suspended for a period of fifteen (15) days from the effective date of this Decision; provided, however, that fifteen (15) days of said suspension shall be stayed upon condition that:

1. Respondent STEIN pays a monetary penalty pursuant to California Business and Professions Code section 10175.2 at the rate of \$50.00 per day for a monetary penalty of \$750.00 total.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department of Real Estate prior to the effective date of the Decision in this matter.

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

4. If Respondent STEIN fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event Respondent STEIN shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department of Real Estate under the terms of this Decision.

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

(BRAUN AND STEIN: INVESTIGATION AND ENFORCEMENT COSTS)

III.

Respondents BRAUN and STEIN shall, within ninety (90) days from the effective date of this Decision and Order, pay the sum of \$1,825.80 with joint and several liability for the

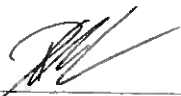
1 Commissioner's reasonable cost for investigation and enforcement which led to this disciplinary
2 action. Said payment shall be in the form of a cashier's check made payable to the Department
3 of Real Estate. The investigative and enforcement costs must be delivered to the Department of
4 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within ninety (90)
5 from the effective date of this Decision and Order. If the costs of investigation and enforcement
6 are not paid within ninety (90) from the effective date of this Decision and Order, the licenses
7 and license rights of Respondents BRAUN and STEIN shall automatically be suspended until
8 full payment is made.

9
10 (BRAUN AND STEIN: AUDIT COSTS)

11 IV.

12 Pursuant to California Business and Professions Code section 10148, Respondents
13 BRAUN and STEIN shall pay \$8,147.55 with joint and several liability for the Commissioner's
14 cost of the audit which led to this disciplinary action. Respondents BRAUN and STEIN shall
15 pay this \$8,147.55 within ninety (90) days of receiving an invoice therefore from the
16 Commissioner. Payment of audit costs should not be made until Respondents HOM Real Estate
17 Group, Inc., BRAUN, and/or STEIN receive the invoice. If Respondents BRAUN and STEIN
18 fail to satisfy this condition in a timely manner as provided for herein, the real estate licenses of
19 Respondents BRAUN and STEIN shall automatically be suspended until payment is made in
20 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
21 condition.

22
23 DATED: 04/15/2020



DIANE LEE,
Counsel for Department of Real Estate

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2 EXECUTION OF THE STIPULATION

3 I, ROBERT G. BRAUN, individually and as former designated officer of HOM
4 Real Estate Group, Inc., have read the Stipulation and discussed it with my attorney, Mary Work,
5 Esq. Its terms are understood by me, and are agreeable and acceptable to me. I understand that I
6 am waiving rights given to me by the California APA (including, but not limited to, California
7 Government Code sections 11506, 11508, 11509, and 11513), and I, individually and as former
8 designated officer of HOM Real Estate Group, Inc., willingly, intelligently, and voluntarily
9 waive those rights, including, but not limited to, the right of requiring the Commissioner to prove
10 the allegations in the Accusation at a hearing at which I, individually and as former designated
11 officer of HOM Real Estate Group, Inc., would have the right to cross-examine witnesses
12 against me and HOM Real Estate Group, Inc. and to present evidence in defense and mitigation
13 of the charges.

14 I, JAMES HOWARD STEIN, individually and as former designated officer of
15 HOM Real Estate Group, Inc., have read the Stipulation and discussed it with my attorney, Mary
16 Work, Esq. Its terms are understood by me, and are agreeable and acceptable to me. I
17 understand that I am waiving rights given to me by the California APA (including, but not
18 limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I,
19 individually and as former designated officer of HOM Real Estate Group, Inc., willingly,
20 intelligently, and voluntarily waive those rights, including, but not limited to, the right of
21 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I,
22 individually and as former designated officer of HOM Real Estate Group, Inc., would have the
23 right to cross-examine witnesses against me and HOM Real Estate Group, Inc. and to present
24 evidence in defense and mitigation of the charges.

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MAILING AND E-MAIL

Respondents BRAUN and STEIN shall mail the original signed signature page of this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth Street, Suite 350, Los Angeles, California 90013-1105.

In the event of time constraints before an administrative hearing, Respondents BRAUN and STEIN can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondents BRAUN and STEIN, to the Department counsel assigned to this case. Respondents BRAUN and STEIN agree, acknowledge, and understand that by electronically sending the Department a scan of Respondents BRAUN's and STEIN's actual signatures as they appear on the Stipulation and Agreement that receipt of the scan by the Department shall be binding on Respondents BRAUN and STEIN as if the Department had received the original signed Stipulation.

Respondents BRAUN's and STEIN's signatures below constitute acceptance and approval of the terms and conditions of this Stipulation. Respondents BRAUN and STEIN agree, acknowledge, and understand that by signing this Stipulation, Respondents BRAUN and STEIN are bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

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DATED: 4/9/2020



ROBERT G. BRAUN, individually and as former
designated officer of HOM Real Estate Group, Inc.

DATED: _____

JAMES HOWARD STEIN, individually and as former
designated officer of HOM Real Estate Group, Inc.

DATED: _____

MARY WORK, ESQ.
Attorney for Respondents HOM REAL ESTATE GROUP,
INC., ROBERT G. BRAUN, and JAMES HOWARD
STEIN

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents ROBERT G. BRAUN and JAMES HOWARD STEIN, and shall become effective
at 12 o'clock noon on _____, 2020.

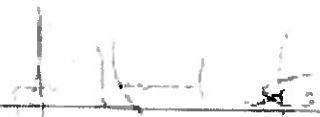
IT IS SO ORDERED _____, 2020.

SANDRA KNAU
ACTING REAL ESTATE COMMISSIONER

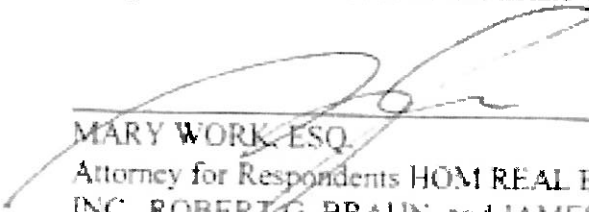
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2 DATED: _____

3 ROBERT G. BRAUN, individually and as former
4 designated officer of HOM Real Estate Group, Inc.

5 DATED: 4/9/2020

6 
7 JAMES HOWARD STEIN, individually and as former
8 designated officer of HOM Real Estate Group, Inc.

9 DATED: 4/10/2020

10 
11 MARY WORK, ESQ.
12 Attorney for Respondents HOM REAL ESTATE GROUP,
13 INC., ROBERT G. BRAUN, and JAMES HOWARD
14 STEIN

15 * * *

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
17 Respondents ROBERT G. BRAUN and JAMES HOWARD STEIN, and shall become effective
18 at 12 o'clock noon on _____, 2020.

19 IT IS SO ORDERED _____, 2020.

20 SANDRA KNAU
21 ACTING REAL ESTATE COMMISSIONER
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DATED: _____

ROBERT G. BRAUN, individually and as former
designated officer of HOM Real Estate Group, Inc.

DATED: _____

JAMES HOWARD STEIN, individually and as former
designated officer of HOM Real Estate Group, Inc.

DATED: _____

MARY WORK, ESQ.
Attorney for Respondents HOM REAL ESTATE GROUP,
INC., ROBERT G. BRAUN, and JAMES HOWARD
STEIN

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents ROBERT G. BRAUN and JAMES HOWARD STEIN, and shall become effective
at 12 o'clock noon on June 26, 2020.

IT IS SO ORDERED 5.20.20, 2020.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

FILED

MAY 23 2020

DEPT. OF REAL ESTATE

By _____

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-41317 LA
)	
<u>HOM REAL ESTATE GROUP, INC.;</u>)	
ROBERT G. BRAUN, individually and as former)	
designated officer of HOM Real Estate Group, Inc.; and)	
JAMES HOWARD STEIN, individually and as former)	
designated officer of HOM Real Estate Group, Inc.,)	
)	
Respondents.)	
)	

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On or about April 12, 2020, Respondent HOM REAL ESTATE GROUP, INC. through its chief executive officer ("CEO"), Michael Shapiro, petitioned the Commissioner to voluntarily surrender its corporate real estate broker license (license no. 01520001) pursuant to California Business and Professions Code section 10100.2.

IT IS HEREBY ORDERED that Respondent HOM REAL ESTATE GROUP, INC.'s petition for voluntary surrender of its real estate license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated April 12, 2020 (attached as Exhibit "A" hereto). The license certificate and pocket card of HOM REAL ESTATE GROUP, INC. shall be sent to the below

1 listed address so that they reach the Department of Real Estate on or before the effective date of
2 this Order:

3 Department of Real Estate
4 Attn: Licensing Flag Section
5 P. O. Box 137013
6 Sacramento, CA 95813-7013

7 This Order shall become effective at 12 o'clock noon on ~~June 26, 2020~~
8 DATED: 5.20.20

9
10 DOUGLAS R. McCAULEY
11 REAL ESTATE COMMISSIONER

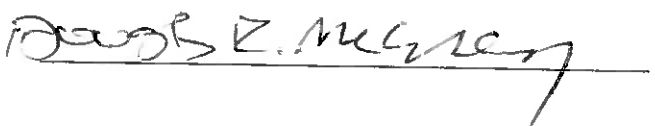
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EXHIBIT "A"

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-41317 LA
)	
<u>HOM REAL ESTATE GROUP, INC.;</u>)	
ROBERT G. BRAUN, individually and as former)	
designated officer of HOM Real Estate Group, Inc.; and)	
JAMES HOWARD STEIN, individually and as former)	
designated officer of HOM Real Estate Group, Inc.,)	
)	
Respondents.)	

DECLARATION

My name is MICHAEL SHAPIRO ("SHAPIRO"). I am the chief executive officer ("CEO") of HOM REAL ESTATE GROUP, INC. ("HREGI") (license no. 01520001), and am authorized to act on behalf of HREGI. HREGI is being represented by Mary Work, Esq. in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the California Government Code), HREGI wishes to voluntarily surrender its real estate license issued by the Department of Real Estate ("Department") pursuant to California Business and Professions Code section 10100.2.

1 I, on behalf of HREGI, understand that by so voluntarily surrendering HREGI's
2 real estate license, HREGI may be relicensed as a broker or as a salesperson, or issued a
3 mortgage loan originator endorsement, only by petitioning for reinstatement pursuant to
4 California Government Code section 11522. I, on behalf of HREGI, also understand that by so
5 voluntarily surrendering HREGI's license, HREGI agrees to the following:

6 1. The filing of this Declaration shall be deemed as HREGI's petition for
7 voluntary surrender.

8 2. It shall also be deemed to be an understanding and agreement that HREGI
9 waives all rights that HREGI has to require the Commissioner to prove the allegations against it
10 in the Accusation, and that HREGI also waives other rights afforded to HREGI in connection
11 with the hearing, such as the right to discovery, the right to present evidence in my defense, and
12 the right to cross-examine witnesses.

13 3. I, on behalf of HREGI, further agree that upon acceptance by the
14 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
15 obtained by the Department in this matter prior to the Commissioner's acceptance, and all
16 allegations described in the Accusation pertaining to HREGI, may be considered by the
17 Department to be true and correct for the purpose of deciding whether to grant licensure,
18 relicensure, and/or reinstatement pursuant to California Government Code section 11522 and/or
19 a similar code section.

20 4. Prior to issuance of any new or reinstated license, HREGI shall pay the
21 Department its costs of investigation and enforcement. The costs of investigation and
22 enforcement are \$1,825.80 with joint and several liability with Respondents Robert G. Braun and
23 James Howard Stein.

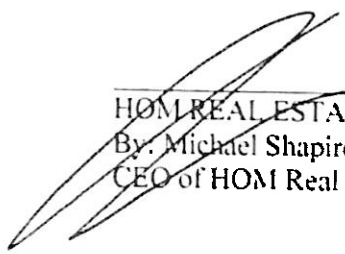
24 5. Prior to issuance of any new or reinstated license, HREGI shall pay the
25 Department its cost of audit for Audit Report number SD160043. The cost of audit is \$8,147.55
26 with joint and several liability with Respondents Robert G. Braun and James Howard Stein.
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6. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto. If and when a petition application is made for licensure, relicensure, and/or reinstatement, the Commissioner will consider as one of the criteria of rehabilitation whether or not restitution has been made to any person who has suffered monetary losses through "substantially related" acts or omissions by HREGI.

7. I, on behalf of HREGI, freely and voluntarily surrender all of HREGI's licenses and license rights under the Real Estate Law.

I, on behalf of HREGI, declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration was executed 4/12, 2020, at Newport Beach, California.



HOM REAL ESTATE GROUP, INC.
By: Michael Shapiro,
CEO of HOM Real Estate Group, Inc.