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DEPT. OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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|   |   |                                  |
|---|---|----------------------------------|
| In the Matter of the Accusation of        | ) | No. H-42020 LA                   |
|   | ) |                                  |
| ACTIVE REALTY INC,                        | ) | <u>STIPULATION AND AGREEMENT</u> |
| JUSTIN R TYE,                             | ) |                                  |
| individually and as designated officer of | ) |                                  |
| Active Realty Inc, and                    | ) |                                  |
| DANIEL MAURICE SIEVERS SR,                | ) |                                  |
|   | ) |                                  |
| Respondents.                              | ) |                                  |
|   | ) |                                  |

It is hereby stipulated by and between Respondent ACTIVE REALTY INC, JUSTIN R TYE, individually and as designated officer of Active Realty Inc, and DANIEL MAURICE SIEVERS SR (“Respondents”), represented by Steven L. Simas and Sara Sadri, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate (“Department”), as follows for the purpose of settling and disposing of the Accusation filed on June 2, 2021, (“Accusation”) in this matter:

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

6           2.       Respondents have received, read and understand the Statement to  
7 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
8 of Real Estate in this proceeding.

9           3.       On June 14, 2021, Respondents filed Notices of Defense pursuant to  
10 section 11506 of the Government Code for the purpose of requesting a hearing on the  
11 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices  
12 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said  
13 Notices of Defense, Respondents will thereby waive Respondents’ right to require the Real  
14 Estate Commissioner (“Commissioner”) to prove the allegations in the Accusation at a  
15 contested hearing held in accordance with the provisions of the APA and that Respondents will  
16 waive other rights afforded to Respondents in connection with the hearing such as the right to  
17 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
18 witnesses.

19           4.       Respondents, pursuant to the limitations set forth below, hereby admit  
20 that the factual allegations in the Accusation filed in this proceeding are true and correct and the  
21 Commissioner shall not be required to provide further evidence to prove such allegations.

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1 II.

2 The conduct, acts, and/or omissions of Respondent JUSTIN R TYE, as  
3 described in the Accusation, constitute cause for the suspension or revocation of all real estate  
4 licenses, license endorsements, and license rights of Respondent JUSTIN R TYE under Code  
5 sections 10177(d), 10177(g), and 10177(h) for violation of Code section 10159.2, Civil Code  
6 sections 1102.6 and 2079, and Title 10, Chapter 6, California Code of Regulations  
7 (“Regulations”) section 2725.

8 III.

9 The conduct, acts, and/or omissions of Respondent DANIEL MAURICE  
10 SIEVERS SR, as described in the Accusation, constitute cause for the suspension or revocation  
11 of all real estate licenses, license endorsements, and license rights of Respondent DANIEL  
12 MAURICE SIEVERS SR under Code sections 10177(d) and 10177(g) for violation of Civil  
13 Code sections 1102.6 and 2079.

14 ORDER

15 I.

16 All licenses and licensing rights of Respondent ACTIVE REALTY INC under  
17 the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this  
18 Decision and Order; provided, however, that:

19 1. Thirty (30) days of said suspension shall be stayed, upon the condition  
20 that Respondent petitions pursuant to Code Section 10175.2 and pays a monetary penalty  
21 pursuant to Code Section 10175.2 at a rate of fifty dollars (\$50) for each day of the suspension  
22 for a total monetary penalty of \$1,500, and upon the following terms and conditions:

23 a. Said payment shall be in the form of a cashier’s check made  
24 payable to the Department of Real Estate. Said check must be  
25 delivered to the Department of Real Estate, Flag Section at  
26 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective  
27 date of this Decision and Order.

1 b. No final determination be made after hearing or upon stipulation  
2 that cause for disciplinary against any of the real estate licenses or  
3 license rights of Respondent occurred within two (2) years from the  
4 effective date of this Decision and Order.

5 c. If Respondent fails to pay the monetary penalty in accordance  
6 with the terms and conditions of this Decision and Order, the  
7 suspension shall go into effect automatically. Respondent shall not  
8 be entitled to any repayment or credit, prorated or otherwise, for any  
9 money paid to the Department under the terms of this Decision and  
10 Order.

11 d. If Respondent pays the monetary penalty and all other money due  
12 under this Stipulation and Agreement and if no final determination be  
13 made after hearing or upon stipulation that cause for disciplinary  
14 against any of the real estate licenses or license rights of Respondent  
15 occurred within two (2) years from the effective date of this Decision  
16 and Order, then the entire stay hereby granted pursuant to this  
17 Decision and Order shall become permanent.

18 2. Respondent withdraws all pending license applications.

19 3. All licenses and licensing rights of Respondent ACTIVE REALTY INC  
20 are indefinitely suspended unless or until Respondent ACTIVE REALTY INC pays, jointly and  
21 severally with Respondent JUSTIN R TYE and Respondent DANIEL MAURICE  
22 SIEVERS SR, the sum of \$4,681.05 for the Commissioner's reasonable cost of the  
23 investigation and enforcement which led to this disciplinary action. Said payment shall be in  
24 the form of a cashier's check made payable to the Department of Real Estate. The investigative  
25 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at  
26 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
27 Order.

1 II.

2 All licenses and licensing rights of Respondent JUSTIN R TYE under the Real  
3 Estate Law are suspended for a period of thirty (30) days from the effective date of this  
4 Decision and Order; provided, however, that:

5 1. Thirty (30) days of said suspension shall be stayed, upon the condition  
6 that Respondent petitions pursuant to Code Section 10175.2 and pays a monetary penalty  
7 pursuant to Code Section 10175.2 at a rate of fifty dollars (\$50) for each day of the suspension  
8 for a total monetary penalty of \$1,500, and upon the following terms and conditions:

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

14 b. No final determination be made after hearing or upon stipulation  
15 that cause for disciplinary against any of the real estate licenses or  
16 license rights of Respondent occurred within two (2) years from the  
17 effective date of this Decision and Order.

18 c. If Respondent fails to pay the monetary penalty in accordance  
19 with the terms and conditions of this Decision and Order, the  
20 suspension shall go into effect automatically. Respondent shall not  
21 be entitled to any repayment or credit, prorated or otherwise, for any  
22 money paid to the Department under the terms of this Decision and  
23 Order.

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1 d. If Respondent pays the monetary penalty and all other money due  
2 under this Stipulation and Agreement and if no final determination be  
3 made after hearing or upon stipulation that cause for disciplinary  
4 against any of the real estate licenses or license rights of Respondent  
5 occurred within two (2) years from the effective date of this Decision  
6 and Order, then the entire stay hereby granted pursuant to this  
7 Decision and Order shall become permanent.

- 8 2. Respondent withdraws all pending license applications.
- 9 3. All licenses and licensing rights of Respondent JUSTIN R TYE are  
10 indefinitely suspended unless or until Respondent JUSTIN R TYE pays, jointly and severally  
11 with Respondent ACTIVE REALTY INC and Respondent DANIEL MAURICE SIEVERS SR,  
12 the sum of \$4,681.05 for the Commissioner's reasonable cost of the investigation and  
13 enforcement which led to this disciplinary action. Said payment shall be in the form of a  
14 cashier's check made payable to the Department of Real Estate. The investigative and  
15 enforcement costs must be delivered to the Department of Real Estate, Flag Section at  
16 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and  
17 Order.


18 III.

- 19 1. Respondent DANIEL MAURICE SIEVERS SR is publicly reprovod.
- 20 2. Respondent DANIEL MAURICE SIEVERS SR withdraws all pending  
21 license applications.

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1                     3.       All licenses and licensing rights of Respondent DANIEL MAURICE  
2 SIEVERS SR are indefinitely suspended unless or until Respondent DANIEL MAURICE  
3 SIEVERS SR pays, jointly and severally with Respondent ACTIVE REALTY INC and  
4 Respondent JUSTIN R TYE, the sum of \$4,681.05 for the Commissioner’s reasonable cost of  
5 the investigation and enforcement which led to this disciplinary action. Said payment shall be  
6 in the form of a cashier’s check made payable to the Department of Real Estate. The  
7 investigative and enforcement costs must be delivered to the Department of Real Estate, Flag  
8 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
9 Decision and Order.

10  
11 DATED: 10/14/2022

  
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Steve Chu, Counsel  
Department of Real Estate

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\* \* \*

2 We have read the Stipulation and Agreement. We understand that we are  
 3 waiving rights given to us by the California Administrative Procedure Act, (including but not  
 4 limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently,  
 5 and voluntarily waive those rights, including the right to seek reconsideration and the right to  
 6 seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

7 We agree, acknowledge, and understand that we cannot rescind or amend this  
 8 Stipulation and Agreement.

9 We can signify acceptance and approval of the terms and conditions of this  
 10 Stipulation and Agreement by mailing the original signed Stipulation and Agreement to:  
 11 Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles,  
 12 California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement  
 13 or a copy faxed to (213) 576-6917 by October 14, 2022; if not, this Stipulation and Agreement  
 14 to is invalid and void.

15  
 16 DATED: 10/6/2022

DocuSigned by:  
*Justin Tye*  
 721466870840A  
 ACTIVE REALTY INC  
 Respondent  
 By JUSTIN R TYE,  
 as designated officer of Active Realty Inc

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 20 DATED: 10/6/2022

DocuSigned by:  
*Justin Tye*  
 4771A88820843A  
 JUSTIN R TYE  
 Respondent

21  
 22  
 23 DATED: 10/12/2022

DocuSigned by:  
*Daniel Sievers*  
 08149CE567C043B  
 DANIEL MAURICE SIEVERS SR  
 Respondent

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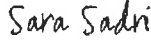
DATED: 10/13/2022



Steven L. Simas  
Counsel for Respondents  
Approved as to Form

DATED: 10/11/2022

DocuSigned by:



512463286587446  
Sara Sadri  
Counsel for Respondents  
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondents ACTIVE REALTY INC, JUSTIN R TYE, and  
DANIEL MAURICE SIEVERS SR, and shall become effective at 12 o'clock noon on  
12/9/2022.

IT IS SO ORDERED 10.28.22

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

