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JUL 05 2000

DEPARTMENT OF REAL ESTATE

By Jean Rundo

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	
BRYAN LEROY BARSTOW, )	No. H-1864 SD
Respondent. )	

ORDER GRANTING REINSTATEMENT OF LICENSE

On November 6, 1991, an Order was rendered herein revoking the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on February 26, 1992, and expired on February 26, 1996. Respondent operated as a restricted licensee without cause for disciplinary action against Respondent during that time.

On March 2, 1999, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate broker  
6 license and that it would not be against the public interest to  
7 issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's  
9 petition for reinstatement is granted and that a real estate  
10 broker license be issued to Respondent if Respondent satisfies  
11 the following conditions within nine months from the date of this  
12 Order:

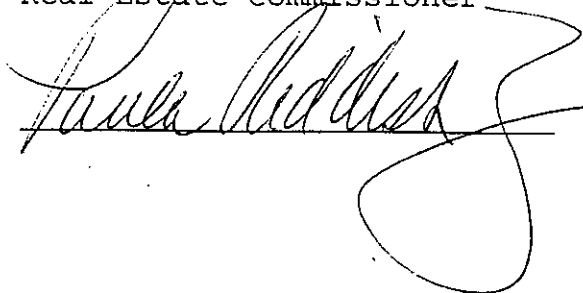
13 1. Submittal of a completed application and payment of  
14 the fee for a real estate broker license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: June 20, 2000.

22 PAULA REDDISH ZINNEMANN  
23 Real Estate Commissioner

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25  
26  
27

1 Department of Real Estate  
107 Sough Broadway, Room 8107  
2 Los Angeles, CA 90012  
(213) 897-3937

FILED

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DEPARTMENT OF REAL ESTATE  
BY Laura B. Orme

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DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of ) NO. H-1864 SD  
)  
BRYAN LEROY BARSTOW and ) STIPULATION AND AGREEMENT  
THRESSA MARIE BARSTOW, ) IN SETTLEMENT AND ORDER  
)  
)  
)  
Respondents. )  
)

It is hereby stipulated by and between BRYAN LEROY BARSTOW and THRESSA MARIE BARSTOW (sometimes referred to as Respondents and their attorney of record, George L. De La Flor, and the Complainant, acting by and through James R. Peel, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on February 8, 1991 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 (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement in Settlement.

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

7 3. On March 28, 1991, Respondents filed a Notice of  
8 Defense pursuant to Section 11505 of the Government Code for the  
9 purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondents hereby freely and voluntarily withdraw  
11 said Notice of Defense. Respondents acknowledge that they  
12 understand that by withdrawing said Notice of Defense they will  
13 thereby waive their right to require the Commissioner to prove  
14 the allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that they will  
16 waive other rights afforded to them in connection with the  
17 hearing such as the right to present evidence in defense of the  
18 allegations in the Accusation and the right to cross-examine  
19 witnesses.

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

25 5. It is understood by the parties that the Real  
26 Estate Commissioner may adopt the Stipulation and Agreement in  
27 Settlement as his decision in this matter thereby imposing the



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II

The conduct of Respondent THRESSA MARIE BARSTOW, as described in the Accusation is grounds for the suspension or revocation of all of the real estate licenses and license rights of respondent under the provision of Section 10177(d) of the Business and Professions Code.

ORDER

The real estate broker's license and license rights of BRYAN LEROY BARSTOW are hereby revoked; provided, however, a restricted real estate broker license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein.

The real estate salesperson license and licensing rights of THRESSA MARIE BARSTOW are hereby revoked; provided, a restricted real estate salesperson license shall be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein.

The restricted license issued to respondents shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section

1 10156.6 of the Code:

2 1. The restricted licenses shall be suspended for 30  
3 days immediately upon issuance of each license. The suspension  
4 period may be fully or partially stayed on condition that  
5 respondents, or either of them, pursuant to their petitions pay  
6 to the Department of Real Estate, the sum of \$6,000 for both, or  
7 \$3,000 separately, for a full stay, or \$100 per day, separately,  
8 for a partial stay, with a cashier's check made payable to the  
9 Department of Real Estate Recovery Fund.

10 2. The restricted license of a respondent may be  
11 suspended prior to hearing by order of the Real Estate  
12 Commissioner in the event of a respondent's conviction or a plea  
13 of nolo contendere to a crime which bears a significant relation  
14 to respondent's fitness or capacity as a real estate licensee,  
15 or upon receipt of evidence satisfactory to the Real Estate  
16 Commissioner that respondent has violated provisions of the Real  
17 Estate Law of the State of California, the Subdivided Lands Act,  
18 the Real Estate Regulations of the State of California, or any  
19 of the conditions attached to the restricted license.

20 3. Respondents shall not be eligible to apply for the  
21 issuance of an unrestricted real estate license nor the removal  
22 of any of the restrictions, conditions or limitations set forth  
23 herein until one year has elapsed from the date of issuance of  
24 the restricted license to respondents.

25 4. Each respondent shall, within 12 months of the  
26 effective day of the Decision herein, present evidence  
27 satisfactory to the Real Estate Commissioner that he/she has,

1 since the most recent issuance of an original or renewal real  
2 estate license, taken and successfully completed the continuing  
3 education requirements of Article 2.5 of Chapter 3 of the Real  
4 Estate Law for renewal of a real estate license. If a  
5 respondent fails to satisfy this condition, the Commissioner may  
6 order the suspension of the restricted license until the  
7 respondent presents such evidence. The Commissioner shall  
8 afford respondent the opportunity for a hearing pursuant to the  
9 Administrative Procedure Act to present such evidence.

10 5. Each respondent shall, within six months from the  
11 effective date of the restricted license, take and pass the  
12 Professional Responsibility Examination administered by the  
13 Department including the payment of the appropriate examination  
14 fee. If a respondent fails to satisfy this condition, the  
15 Commissioner may order a suspension of the restricted license  
16 until that respondent passes the examination.

17 6. Each respondent shall report in writing to the  
18 Department of Real Estate quarterly during the period his/her  
19 license is restricted all relevant information concerning each  
20 real estate transaction in which respondent engaged during that  
21 quarterly period, and any additional information concerning  
22 respondent's activities for which a real estate license is  
23 required as the Real Estate Commissioner shall deem to be  
24 appropriate to protect the public interest as the Real Estate  
25 Commissioner shall direct by separate written order issued while  
26 the restricted license is in effect.

27 /



1                   7. With the application for license, or with the  
2 application for transfer to a new employing broker, respondent  
3 THRESSA MARIE BARSTOW shall submit a statement signed by the  
4 prospective employing broker on a form approved by the  
5 Department of Real Estate wherein the employing broker shall  
6 certify as follows:

- 7                   a. That broker has read this Stipulation and  
8                   Agreement in Settlement and Order and  
9                   original Accusation which are the basis  
10                  for the issuance of the restricted license  
11                  and;
- 12                  b. That broker will carefully review all  
13                  transaction documents prepared by the  
14                  restricted licensee and otherwise  
15                  exercise close supervision over the  
16                  licensee's performance of acts for which  
17                  a license is required.

18  
19 DATED: 10-23-91

James R. Peel  
JAMES R. PEEL  
Counsel for Complainant

20  
21 \* \* \* \*

22                   I have read the Stipulation and Agreement, have  
23 discussed it with my counsel, and its terms are understood by me  
24 and are agreeable and acceptable to me. I understand that I am  
25 waiving rights given to me by the California Administrative  
26 Procedure Act (including but not limited to Sections 11506,  
27 11508, 11509 and 11513 of the Government Code), and I willingly,

1 intelligently and voluntarily waive those rights, including the  
2 right of requiring the Commissioner to prove the allegations in  
3 the Accusation at a hearing at which I would have the right to  
4 cross-examine witnesses against me and to present evidence in  
5 defense and mitigation of the charges.

6  
7 DATED: 10-15-91

Bryan Leroy Barstow  
BRYAN LEROY BARSTOW  
Respondent

8  
9 DATED: 10-15-91

Theresa Marie Barstow  
THERESA MARIE BARSTOW  
Respondent

10  
11 \* \* \* \*

12  
13 The foregoing Stipulation and Agreement for settlement  
14 is hereby adopted as my Decision and Order and shall become  
15 effective at 12 o' clock noon on December 11, 1991.

16 IT IS SO ORDERED November 6, 1991.

17 CLARK WALLACE  
18 Real Estate Commissioner

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21 Clark Wallace

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**BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

APR 15 1991

DEPARTMENT OF REAL ESTATE  
BY Laura B. Oron

*In the Matter of the Accusation of*

BRYAN LEROY BARSTOW and  
THRESSA MARIE BARSTOW,

}

Case No. H-1864 SD

OAH No. L-53288

Respondent(s)

**NOTICE OF HEARING ON ACCUSATION**

*To the above named respondent:*

*You are hereby notified* that a hearing will be held before the Department of Real Estate at \_\_\_\_\_  
OFFICE OF ADMINISTRATIVE HEARINGS, 1350 Front St., Rm. 6018, San Diego, CA 92101

on the 3rd day of JULY, 19 91, at the hour of 9:00 a.m., or as soon thereafter  
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 15, 1991

By James R. Peel  
Counsel

cc: Bryan Leroy Barstow  
Thressa Marie Barstow  
Sacto.  
OAH  
LSM  
RE 501 (Rev. 7/87)

*Sacto  
Jas*

1 JAMES R. PEEL, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, CA 90012  
5 (213) 620-4790

*Laura B. Chona*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of ) NO. H-1864 SD  
12 BRYAN LEROY BARSTOW and )  
13 THRESSA MARIE BARSTOW, ) A C C U S A T I O N  
14 Respondents. )  
15

16 The Complainant, J. Chris Graves, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of accusation  
18 against BRYAN LEROY BARSTOW and THRESSA MARIE BARSTOW, alleges as  
19 follows:

20 I

21 The Complainant, J. Chris Graves, a Deputy Real Estate  
22 Commissioner of the State of California, makes this accusation in  
23 his official capacity.

24 II

25 BRYAN LEROY BARSTOW and THRESSA MARIE BARSTOW  
26 (hereinafter referred to as respondents) are presently licensed  
27 and/or have license rights under the Real Estate Law (Part 1 of

1 Division 4 of the Business and Professions Code, hereinafter  
2 Code).

3 III

4 At all times herein mentioned, respondent BRYAN LEROY  
5 BARSTOW was licensed by the Department of Real Estate as a real  
6 estate broker, acting for or in expectation of compensation, and  
7 performing acts for which a real estate license is required.

8 IV

9 At no time herein mentioned was respondent THRESSA MARIE  
10 BARSTOW licensed by the Department of Real Estate as a real estate  
11 broker or a real estate salesperson. Respondent THRESSA MARIE  
12 BARSTOW was issued a real estate salesperson license on July 10,  
13 1990, and remains so licensed.

14 V

15 In and around April 1990, respondent THRESSA MARIE  
16 BARSTOW solicited and negotiated, a loan on behalf of borrowers  
17 David John and Kimberly Suzette Miles for real property located at  
18 705 Convertable Lane, Fallbrook, California, after having  
19 negotiated the sale of the property from the owners Robert L. and  
20 Virginia L. Sorenson to the borrowers.

21 VI

22 The activities described above are acts for which a real  
23 estate broker or salesperson license is required under Sections  
24 10131(a) & (d) of the Code.

25 VII

26 Respondent THRESSA MARIE BARSTOW violated Section 10130  
27 of the Code by engaging in the above-described conduct without

1 first obtaining a real estate license from the Department of Real  
2 Estate.

3 VIII

4 During the course of the transaction described above,  
5 respondent BRYAN LEROY BARSTOW, employed and compensated  
6 respondent THRESSA MARIE BARSTOW for performing acts for which a  
7 real estate license is required, and while respondent THRESSA  
8 MARIE BARSTOW was not licensed as a real estate broker or  
9 salesperson.

10 IX

11 The conduct of respondent BRYAN LEROY BARSTOW, as  
12 described above, subjects his real estate license and license  
13 rights to suspension or revocation pursuant to Section 10137 of  
14 the Code.

15 X

16 The conduct of respondent THRESSA MARIE BARSTOW, as  
17 described above, subjects her real estate license and license  
18 rights to suspension or revocation pursuant to Sections 10177(d),  
19 10177(g) and 10177(j) of the Code.

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