

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4
5 Telephone: (916) 227-0789
6
7

FILED
MAR 16 1994
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zean*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 GARRETT P. BECKER,) NO. H-2935 SAC
13 RENEE M. BECKER,) STIPULATION AND
14 BECK REALTORS INC.,) AGREEMENT IN SETTLEMENT
15 Respondents.) AND ORDER

16 It is hereby stipulated by and between GARRETT P. BECKER
17 (hereinafter "respondent GARRETT"), RENEE M. BECKER (hereinafter
18 "respondent RENEE") and BECK REALTORS INC. (hereinafter
19 "respondent REALTORS"), and their attorney of record, Kim A.
20 Smith, and the Complainant, acting by and through David A. Peters,
21 Counsel for the Department of Real Estate, as follows for the
22 purpose of settling and disposing of the Accusation filed on
23 August 23, 1993, in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondents
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

H-2935 SAC

- 1 -

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement in Settlement.

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

8 3. On August 30, 1993, Respondents filed a Notice of
9 Defense pursuant to Section 11505 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondents hereby freely and voluntarily withdraw
12 said Notice of Defense. Respondents acknowledge that they
13 understand that by withdrawing said Notice of Defense they will
14 thereby waive their right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that they will waive
17 other rights afforded to them in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondents GARRETT and REALTORS, pursuant to the
21 limitations set forth below, hereby agree that this matter shall
22 be submitted on the pleadings filed in these proceedings without
23 admitting any of the allegations contained therein. The Real
24 Estate Commissioner shall not be required to provide further
25 evidence to prove such allegations.

26 ///

27 ///

H-2935 SAC

- 2 -

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

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

11 6. The Order or any subsequent Order of the Real Estate
12 Commissioner made pursuant to this Stipulation and Agreement in
13 Settlement shall constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were specifically
16 alleged to be causes for accusation in this proceeding.

17 7. Pursuant to this Stipulation, the Determination of
18 Issues and Order are agreed to only for the purpose of this
19 proceeding between Respondents and the Department. The parties
20 hereto intend that the Decision not be given res judicata/
21 collateral estoppel effect except as between them. The order
22 based hereon shall not be treated as an admission of liability or
23 responsibility in any other proceeding not involving these same
24 parties.

25 ///

26 ///

27 ///

H-2935 SAC

- 3 -

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and
3 waivers and solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that the
5 following determination of issues shall be made:

6 I

7 The conduct of respondents GARRETT and REALTORS as
8 described in Paragraph XIV of the Accusation in this matter is
9 grounds for the suspension or revocation of all of the real estate
10 licenses and license rights of respondents GARRETT and REALTORS
11 under the provisions of Sections 10177(g) of the Code.

12 ORDER

13 I

14 The Accusation in this matter against respondent
15 RENEE M. BECKER is dismissed.

16 II

17 A. The real estate broker license and all license
18 rights of respondent GARRETT P. BECKER under the Real Estate Law
19 are revoked.

20 B. A restricted real estate broker license shall be
21 issued to respondent GARRETT P. BECKER pursuant to Business and
22 Professions Code Section 10156.5 if respondent GARRETT P. BECKER
23 makes application therefor and pays to the Department the
24 appropriate fee for said license within ninety (90) days from the
25 effective date of the Decision herein.

26 ///

27 ///

H-2935 SAC

- 4 -

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

C. The restricted license issued to respondent

GARRETT P. BECKER shall be subject to all 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 10156.6 of said Code:

(1) The license shall not confer any property right in

the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under the restricted license in the event of:

(a) The conviction of respondent GARRETT P. BECKER (including a plea of nolo contendere) to a crime which bears a significant relation to respondent GARRETT P. BECKER's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence that respondent GARRETT P. BECKER has violated provisions of the California Real Estate Law, Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

(2) Respondent GARRETT P. BECKER shall not be eligible

to apply for issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one (1) year has elapsed from the date of issuance of a restricted license to respondent GARRETT P. BECKER.

///
///

H-2935 SAC

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

D. Respondent GARRETT P BECKER shall, within nine (9)
months from the effective date of the Decision, present evidence
satisfactory to the Real Estate Commissioner that he has, since
the most recent issuance of an original or renewal real estate
license, taken and successfully completed the continuing education
requirements of Article 2.5 of Chapter 3 of the Real Estate Law
for renewal of a real estate license. If respondent GARRETT P.
BECKER fails to satisfy this condition, the Commissioner may order
the suspension of the restricted license until respondent
GARRETT P. BECKER presents such evidence. The Commissioner shall
afford respondent GARRETT P. BECKER the opportunity for a hearing
pursuant to the Administrative Procedure Act to present such
evidence.

E. Respondent GARRETT P. BECKER shall, within six (6)
months from the effective date of the restricted license, take and
pass the Professional Responsibility Examination administered by
the Department including the payment of the appropriate
examination fee. If respondent GARRETT P. BECKER fails to satisfy
this condition, the Commissioner may order suspension of the
restricted license until Respondent passes the examination.

F. Any restricted real estate broker license issued to
respondent GARRETT P. BECKER may be suspended or revoked for a
violation by respondent GARRETT P. BECKER of any of the conditions
attaching to the restricted license.

///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

A. The real estate broker license and all license rights of respondent BECK REALTORS INC. under the Real Estate Law are revoked.

B. A restricted real estate broker license shall be issued to respondent BECK REALTORS INC. pursuant to Business and Professions Code Section 10156.5 if respondent BECK REALTORS INC. makes application therefor and pays to the Department the appropriate fee for said license within ninety (90) days from the effective date of this Decision herein.

C. The restricted license issued to respondent BECK REALTORS INC. shall be subject to all 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 10156.6 of said Code:

(1) The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under the restricted license in the event of:

(a) The conviction of respondent BECK REALTORS INC. (including a plea of nolo contendere) to a crime which bears a significant relation to respondent BECK REALTORS INC.'s fitness or capacity as a real estate licensee; or

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

(b) The receipt of evidence that respondent BECK REALTORS INC. has violated provisions of the California Real Estate Law, Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

(2) Respondent BECK REALTORS INC. shall not be eligible to apply for issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until one (1) year has elapsed from the date of issuance of a restricted license to respondent BECK REALTORS INC..

D. Any restricted real estate broker license issued to respondent BECK REALTORS INC. may be suspended or revoked for a violation by respondent BECK REALTORS INC. of any of the conditions attaching to the restricted license.

DATED: 2/4/94

DEPARTMENT OF REAL ESTATE

David A. Peters

DAVID A. PETERS, Counsel

* * *

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

H-2935 SAC


- 8 -

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

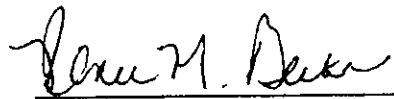
right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: February 16, 1994

X 


GARRETT P. BECKER
Respondent

DATED: February 16, 1994



RENEE M. BECKER
Respondent


DATED: February 16, 1994

X 

BECK REALTORS INC.
By: Garrett P. Becker
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

DATED: February 16, 1994



KIM A. SMITH
Attorney for Respondents

* * *

///
///
///

H-2935 SAC

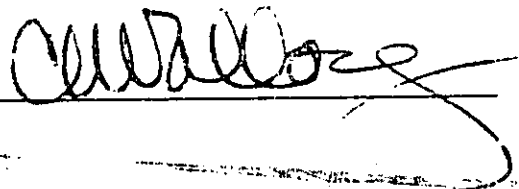
GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement for Settlement
is hereby adopted by the Real Estate Commissioner as Decision and
Order and shall become effective at 12 o'clock noon on
April 6th, 1994.

IT IS SO ORDERED 3/15, 1994.

CLARK WALLACE
Real Estate Commissioner



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
SEP 20 1993
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

GARRETT P. BECKER,
RENEE M. BECKER,
BECK REALTORS INC.,

By Lauriel Zan
Case No. H-2935 SAC

OAH No. N-09025

Respondent

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 the
Office of Administrative Hearings, 501 J Street, Suite 220 (Second
Floor Hearing Rooms), Sacramento, CA 95814

on Tuesday and Wednesday, February 1st and 2nd, 1994, at the hour of 9:00 AM,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: September 20, 1993

By David A. Peters
DAVID A. PETERS Counsel

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DAVID A. PETERS, Counsel
Department of Real Estate
P. O. Box 187000
Sacramento, CA 95818-7000

Telephone: (916) 227-0789

FILED
AUG 23 1993
DEPARTMENT OF REAL ESTATE

By Laurie A. Zyan

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-2935 SAC
GARRETT P. BECKER,)	
RENEE M. BECKER,)	<u>ACCUSATION</u>
BECK REALTORS INC.)	
)	
Respondent.)	

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against GARRETT P. BECKER (hereinafter "Respondent GARRETT"), RENEE M. BECKER (hereinafter "Respondent RENEE"), and BECK REALTORS INC. (hereinafter "Respondent REALTORS"), is informed and alleges as follows:

I

The Complainant, Charles W. Koenig, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in his official capacity.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

II

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as follows:

- (a) GARRETT P. BECKER - as a real estate broker and as designated broker-officer for respondent REALTORS.
- (b) RENEE M. BECKER - as a real estate salesperson.
- (c) BECK REALTORS INC. - as a real estate broker corporation acting by and through respondent GARRETT as designated broker-officer.

III

Whenever reference is made in an allegation in this Accusation to an act or omission of "Respondents", such allegation shall be deemed to mean the act or omission of each of the Respondents named in the caption hereof, acting individually, jointly, and severally.

IV

At all times herein mentioned, Respondents were performing acts requiring a real estate license for or in expectation of a compensation.

V

On or about March 1, 1990, William T. Milleman, III, Inc. (hereinafter "Seller/Builder") listed for sale with respondent REALTORS through respondent RENEE certain real property owned by the Seller/Builder known as Rainewood Homes, Unit No. 3, Lot #8,

///

1 8531 Almondwood Lane, Stockton, California (hereinafter "the
2 subject property").

3 VI

4 On or about March 29, 1990, John Herman Wallis
5 (hereinafter "Buyer") submitted an offer to purchase the subject
6 property through respondent RENEE. Said offer included the
7 completion of a home on the subject property.

8 VII

9 On or before April 15, 1990, the Seller/Builder made a
10 counter-offer incorporating the Buyer's original offer and adding
11 additional terms.

12 VIII

13 On or about April 15, 1990, the Buyer accepted said
14 counter-offer.

15 IX

16 On or about August 31, 1990, escrow closed on the sale
17 of the subject property.

18 X

19 In connection with building the home on the subject
20 property, the Seller/Builder acted as the contractor for
21 completion of the home on the subject property.

22 XI

23 Between on or about April 15, 1990 and April 30, 1990,
24 respondent RENEE represented to the Buyer, in order to induce him
25 into purchasing the subject property, that the Builder was
26 reputable and was known in the industry for building quality
27 homes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

XII

In reliance upon the representations of respondent RENEE described in Paragraph XI above, the Buyer purchased the subject property.

XIII

Respondent's representations described in Paragraph XI above, were false or misleading and were known by Respondents to be false and misleading when made or were made by Respondents with no reasonable grounds for believing said representations to be true. In truth and in fact, on or about August 8, 1989, the Seller/Builder's California Contractors License had been revoked by the Contractors State Licensing Board and the Seller/Builder was not a licensed contractor.

XIV

Beginning on or about March 15, 1990 through on or about August 31, 1990 and continuing thereafter, Respondents in order to induce the Buyer into purchasing the subject property failed to disclose to the Buyer the material fact which the Respondents knew or should have known, but was unknown to the Buyer that the Seller/Builder was not a licensed California Contractor.

XV

The acts and omissions of Respondents set forth above constitute the making of substantial misrepresentations, and/or fraud or dishonest dealing, and are cause under Sections 10176(a) and/or 10176(i) of the Code for the suspension or revocation of all licenses and license rights of Respondents under the Real Estate Law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

In the alternative, the acts and omissions of Respondent set forth above constitute negligence or incompetence in performing acts for which a real estate license is required and are cause under Section 10177(g) of the Code for suspension or revocation of all licenses and license rights of Respondents under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof a decision be rendered imposing disciplinary action against all licenses and license rights of Respondents, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other provisions of law.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California,
this 23rd day of August, 1993.