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BUREAU OF REAL ESTATE

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BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of )

DAVID PAUL JANCA )  
and CRAIG HUGH BARTON, )

Respondents. )

NO. H-2972 FR

STIPULATION AND AGREEMENT IN  
SETTLEMENT AND ORDER

As to CRAIG HUGH BARTON ONLY

It is hereby stipulated by and between Respondent CRAIG HUGH BARTON, (Respondent), and the Complainant, acting by and through Richard K. Uno, Esq., Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the Accusation filed on November 5, 2015, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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 thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement In Settlement and Order (Stipulation).

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

4                   3.     Respondent filed a Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
7 acknowledges that Respondent understands that by withdrawing said Notice of Defense,  
8 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner  
9 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that Respondent will waive other rights  
11 afforded to Respondent in connection with the hearing such as the right to present evidence in  
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13                  4.     This Stipulation is based on the factual allegations contained in the  
14 Accusation. In the interest of expedience and economy, Respondent choose not to contest these  
15 factual allegations, but to remain silent and understands that, as a result thereof, these factual  
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set  
17 forth below. The Commissioner shall not be required to provide further evidence to prove such  
18 allegations.

19                  5.     This Stipulation and Respondent's decision not to contest the Accusation  
20 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly  
21 limited to this proceeding and any other proceeding or case in which the Bureau, the state or  
22 federal government, an agency of this state, or an agency of another state is involved.

23                  6.     It is understood by the parties that the Commissioner may adopt this  
24 Stipulation as his decision in this matter, thereby imposing the penalty and sanctions on  
25 Respondent's real estate licenses and license rights as set forth in the "Order" below. In the  
26 event that the Commissioner in his discretion does not adopt this Stipulation, it shall

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1 be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on  
2 the Accusation under all of the provisions of the APA and shall not be bound by any admission  
3 or waiver made herein.

4           7.     The Order or any subsequent Order of the Commissioner made pursuant  
5 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative  
6 or civil proceedings by the Bureau with respect to any matters which were not specifically  
7 alleged to be causes for accusation in this proceeding.

8           8.     Respondent understands that by agreeing to this Stipulation, Respondent  
9 shall testify at an administrative hearing on this matter, should the Bureau and Respondent  
10 JANCA not reach a settlement.

#### 11                           DETERMINATION OF ISSUES

12           By reason of the foregoing stipulations, admissions and waivers and solely for  
13 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
14 that the following determination of issues shall be made:

15           The acts and omissions of Respondent, as described in the Accusation, are  
16 grounds for the suspension or revocation of the licenses and license rights of Respondent OHL  
17 under the provisions of Section 10177(g) of the Code.

#### 18                           ORDER

19           1.     All licenses and licensing rights of Respondent under the Real Estate  
20 Law are suspended for a period of sixty (60) days from the effective date of this Stipulation;  
21 provided, however, that:

22                   a.     Thirty (30) days of said suspension shall be stayed, upon the  
23 condition that Respondent petitions pursuant to Section 10175.2 of the Code and pays a  
24 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of  
25 the suspension for a total monetary penalty of \$3,000.00.

26                           i.     Said payment shall be in the form of a cashier's check  
27 made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of

1 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the  
2 effective date of this Order.

3 ii. No further cause for disciplinary action against the Real  
4 Estate licenses of Respondent occurs within two (2) years from the effective date of the  
5 Stipulation in this matter.

6 iii. If Respondent fails to pay the monetary penalty as  
7 provided above prior to the effective date of this Stipulation, the suspension shall go into effect  
8 automatically.

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

13 2. The remaining thirty (30) days of said suspension shall also be stayed  
14 for two (2) years upon the following terms and conditions:

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

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

23 5/4/06

24 DATED

25 

26 Richard K. Uno, Esq., Counsel  
27 Bureau of Real Estate

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I have read the Stipulation and Order in Settlement and Order 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 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. Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Order by faxing a copy of the signature page, as actually signed by Respondents, to the Bureau at fax number (916) 263-3767. Respondents agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of Respondents' actual signatures as they appear on the Stipulation and Order, that receipt of the faxed copy by the

1 Bureau shall be as binding on Respondents as if the Bureau had received the original signed  
2 Stipulation and Order.

3  
4 4-28-16

5 DATED



6 CRAIG HUGH BARTON,  
7 Respondent

8 \* \* \*

9 The foregoing Stipulation and Agreement In Settlement and Order is hereby  
10 adopted by me as my Decision in this matter as to Respondent CRAIG HUGH BARTON, and  
11 shall become effective at 12 o'clock noon on JUL 06 2016

12 IT IS SO ORDERED

13 June 10, 2016

14  
15 WAYNE S. BELL  
16 REAL ESTATE COMMISSIONER



18 By: JEFFREY MASON  
19 Chief Deputy Commissioner