

1 Bureau of Real Estate  
320 West Fourth Street, #350  
2 Los Angeles, California 90013  
(213) 576-6982

**FILED**

OCT 16 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

12 CAROLE M. STEPHEN,

14 Respondent.

) CalBRE No. H-04707 SD

) OAH No. 2015040541

) STIPULATION & AGREEMENT

16 It is hereby stipulated by and between CAROLE M. STEPHEN ("Respondent")

17 and her attorney, Frank M. Buda, and the Complainant, acting by and through Lissete Garcia,

18 Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of

19 the Accusation filed on March 11, 2015, in this matter:

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

1                   2. Respondent has received, read and understands the Statement to Respondent,  
2 the Discovery Provisions of the APA and the Accusation, filed by the Bureau of Real Estate  
3 (“Bureau”) in this proceeding.

4                   3. Respondent filed a Notice of Defense pursuant to Section 11506 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 she understands that by withdrawing said Notice of Defense she will thereby  
8 waive her right to require the Commissioner to prove the allegations in the Accusation at a  
9 contested hearing held in accordance with the provisions of the APA and that she will waive  
10 other rights afforded to her in connection with the hearing such as the right to present evidence  
11 in defense of the allegations in the Accusation and the right to cross-examine witnesses.

12                   4. This Stipulation is based on the factual allegations contained in the  
13 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent  
14 chooses not to contest these factual allegations, but to remain silent and understands that, as a  
15 result thereof, these factual statements, will serve as a prima facie basis for the disciplinary  
16 action stipulated to herein. The Real Estate Commissioner shall not be required to provide  
17 further evidence to prove such allegations.

18                   5. This Stipulation and Respondent’s decision not to contest the Accusation are  
19 made for the purpose of reaching an agreed disposition of this proceeding and are expressly  
20 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate  
21 (“Bureau”), or another licensing agency of this state, another state or if the federal government is  
22 involved and otherwise shall not be admissible in any other criminal or civil proceedings.

23                   6. Respondent understands that by agreeing to this Stipulation, she agrees to pay  
24 pursuant to Business and Professions Code Section 10106, the investigation and enforcement

1 costs which led to this disciplinary action. The amount of said costs is \$7,056.90.

2           7. It is understood by the parties that the Real Estate Commissioner may adopt  
3 the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on  
4 Respondent's real estate license and license rights as set forth in the below "Order." In the  
5 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation  
6 shall be void and of no effect, and Respondent shall retain the right to a hearing on the  
7 Accusation under all the provisions of the APA and shall not be bound by any stipulation or  
8 waiver made herein.

9           8. The Order or any subsequent Order of the Real Estate Commissioner  
10 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
11 administrative or civil proceedings by the Bureau with respect to any conduct which was not  
12 specifically alleged to be causes for accusation in this proceeding.

13   DETERMINATION OF ISSUES

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

17           The conduct, acts and/or omissions of Respondent as set forth in the Accusation,  
18 constitute cause for the suspension or revocation of all real estate licenses and license rights of  
19 Respondent CAROLE M. STEPHEN under the provisions of Sections 10176(a) and 10177(d)  
20 of the Business and Professions Code ("Code") for violation of Code Sections 10159.5 and  
21 10177.2.

22 ///

23 ///

24 ///

1 ORDER

2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

3 I.

4 All licenses and licensing rights of Respondent CAROLE M. STEPHEN under  
5 the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license  
6 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code  
7 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate  
8 fee for the restricted license within 90 days of the effective date of this Decision. The restricted  
9 license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the  
10 Business and Professions Code and to the following limitations, conditions and restrictions  
11 imposed under authority of Section 10156.6 of that Code:

12 1. The restricted license issued to Respondent may be suspended prior to hearing  
13 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of  
14 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a  
15 real estate licensee.

16 2. The restricted license issued to Respondent may be suspended prior to hearing  
17 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
18 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
19 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted  
20 license.

21 3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
22 real estate license nor for the removal of any of the conditions, limitations or restrictions of a  
23 restricted license until at least three (3) years have elapsed from the effective date of this  
24 Decision.

1                    4. Respondent shall submit with any application for license under an employing  
2 broker, or any application for transfer to a new employing broker, a statement signed by the  
3 prospective employing real estate broker on a form approved by the Bureau of Real Estate  
4 which shall certify:

5                    (a) That the employing broker has read the Order of the Commissioner which  
6 granted the right to a restricted license, and

7                    (b) That the employing broker will exercise close supervision over the  
8 performance by the restricted licensee relating to activities for which a real estate license is  
9 required.

10                   5. Respondent shall, prior to the issuance of the restricted license and as a  
11 condition of the issuance of said restricted license, pay the sum of \$7,056.90 for the  
12 Commissioner's reasonable costs of enforcement and investigation which led to this disciplinary  
13 action. Said payment shall be in the form of a cashier's check made payable to the Real Estate  
14 Fund. The investigative costs must be delivered to the Bureau of Real Estate, Flag Section at  
15 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

16                   6. Respondent shall, within six (6) months from the effective date of this Order,  
17 take and pass the Professional Responsibility Examination administered by the Bureau including  
18 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition,  
19 Respondent's real estate licenses shall automatically be suspended until Respondent passes the  
20 examination.

21                   7. Respondent shall, within nine (9) months from the effective date of this  
22 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,  
23 since the most recent issuance of an original or renewal real estate license, taken and  
24 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the

1 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,  
2 the Commissioner shall order the suspension of the restricted license until the Respondent  
3 presents such evidence. The Commissioner shall afford Respondent the opportunity for a  
4 hearing pursuant to the Administrative Procedure Act to present such evidence. Proof of  
5 completion of the continuing education courses must be delivered to the Bureau of Real Estate,  
6 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

7 DATED: 9/29/2015

  
LISSETE GARCIA, Counsel for the  
Bureau of Real Estate

9 \* \* \*

10 I have read the Stipulation and Agreement and its terms are understood by me  
11 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
12 the California Administrative Procedure Act (including but not limited to Sections 11506,  
13 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily  
14 waive those rights, including the right of requiring the Commissioner to prove the allegations in  
15 the Accusation at a hearing at which I would have the right to cross-examine witnesses against  
16 me and to present evidence in defense and mitigation of the charges.

17 Respondent can signify acceptance and approval of the terms and conditions of  
18 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by  
19 Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent  
20 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy  
21 of her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed  
22 copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original  
23 signed Stipulation and Agreement.

09/28/2015 FRI 9:24 FAX \*\*\* Frank Buda

010/010

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

DATED: 9-28-15.

*Carole M Stephen*  
CAROLE M. STEPHEN  
Respondent

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

DATED: 9-28-15.

*Frank M Buda*  
FRANK M. BUDA, Attorney for  
Respondent Carole M. Stephen

\*\*\*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
this matter, and shall become effective at 12 o'clock noon on \_\_\_\_\_

IT IS SO ORDERED \_\_\_\_\_

REAL ESTATE COMMISSIONER

\_\_\_\_\_

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

DATED: \_\_\_\_\_

\_\_\_\_\_  
CAROLE M. STEPHEN  
Respondent

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

DATED: \_\_\_\_\_

\_\_\_\_\_  
FRANK M. BUDA, Attorney for  
Respondent Carole M. Stephen

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter, and shall become effective at 12 o'clock noon on NOV - 5 2015.

IT IS SO ORDERED OCTOBER 9, 2015

**WAYNE S. BELL**  
REAL ESTATE COMMISSIONER



\_\_\_\_\_  
By: JEFFREY MASON  
Chief Deputy Commissioner