

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

NOV 05 2018

DEPT. OF REAL ESTATE
By *Sybil Denner*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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13 In the Matter of the Accusation of

No. H-04983 SD

14 ALL SERVICE PROPERTY
15 MANAGEMENT - EAST COUNTY, INC.;

STIPULATION AND AGREEMENT

16 ANTHONY RAYMOND TIBBETTS;

17 COLLEEN K. MCDADE;

18 TONY WIM STRUYK; and

19 ARMADILLO INC.,

20
21 Respondents.

22
23 It is hereby stipulated by and between Respondent COLLEEN K. MCDADE, and
24 the Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate,
25 as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
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1 March 19, 2018 in Case No. H-04983 SD, in this matter:

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

7 2. Respondent MCDADE has received, read and understands the Statement to
8 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department
9 of Real Estate in this proceeding.

10 3. On April 16, 2018, Respondent MCDADE filed her Notice of Defense
11 pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on
12 the allegations in the Accusation. Respondent MCDADE hereby freely and voluntarily
13 withdraws her Notice of Defense. Respondent MCDADE acknowledges that she understands
14 that by withdrawing said Notice of Defense she thereby waives her right to require the
15 Commissioner to prove the allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that she will waive other rights afforded to her
17 in connection with the hearing such as the right to present evidence in defense of the allegations
18 in the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual allegations contained in the
20 Accusation. In the interest of expedience and economy, Respondent MCDADE chooses not to
21 contest these allegations, but to remain silent and understands that, as a result thereof, these
22 factual allegations, without being admitted or denied, will serve as a prima facie basis for the
23 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to
24 provide further evidence to prove said factual allegations.

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1 ORDER

2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

6 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
7 following terms and conditions:

8 a) Respondent MCDADE shall obey all laws, rules and regulations governing
9 the rights, duties and responsibilities of a real estate licensee in the State of
10 California; and,

11 b) That no final subsequent determination be made, after hearing or upon
12 stipulation, that cause of disciplinary action occurred within two (2) years
13 from the effective date of this Decision and Order. Should such a
14 determination be made, the Commissioner may, in his discretion, vacate and
15 set aside the stay order and reimpose all or a portion of the stayed suspension.
16 Should no such determination be made, the stay imposed herein shall become
17 permanent.

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

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1 3. Respondent MCDADE shall, within nine (9) months from the effective date of
2 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
3 MCDADE has, since the most recent issuance of an original or renewal real estate license, taken
4 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
5 the Real Estate Law for renewal of a real estate license. If Respondent MCDADE fails to satisfy
6 this condition, Respondent MCDADE's real estate license shall automatically be suspended until
7 Respondent MCDADE presents evidence satisfactory to the Commissioner of having taken and
8 successfully completed the continuing education requirements. Proof of completion of the
9 continuing education courses must be delivered to the Department of Real Estate, Flag Section at
10 P.O. Box 137013, Sacramento, CA 95813-7013.

11
12 DATED: _____

10-16-18



13 Julie L. To, Counsel for Complainant

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15 I have read the Stipulation and Agreement, and its terms are understood by me
16 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
17 the California Administrative Procedure Act (including, but not limited to Sections 11506,
18 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the Commissioner to prove the allegations in
20 the Accusation at a hearing at which I would have the right to cross-examine witnesses against
21 me and to present evidence in defense and mitigation of the charges.

22 Respondent shall send a hard copy of the original signed Stipulation and
23 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
24 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
25 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
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1 and Agreement by emailing a scanned copy of the signature page, as actually signed by
2 Respondent, to the Department counsel assigned to this case. Respondent agrees,
3 acknowledges, and understands that by electronically sending the Department a scan of
4 Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the
5 scan by the Department shall be binding on Respondent as if the Department had received the
6 original signed Stipulation and Agreement.

7 DATED: 10-12-18

Colleen K. McDAde
8 COLLEEN K. MCDADE, Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
11 this matter and shall become effective at 12 o'clock noon on NOV 26 2018.

12 IT IS SO ORDERED October 25, 2018.

14 DANIEL J. SANDRI
15 ACTING REAL ESTATE COMMISSIONER

16 Daniel J. Sandri
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