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	1	Department of Real Estate
		320 West 4th Street, Ste. 350
	2	Los Angeles, California 90013-1105 Telephone: (213) 576-6982
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		DEPT. OF REAL ESTATE
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		BEFORE THE DEPARTMENT OF REAL ESTATE
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	9	STATE OF CALIFORNIA
	10	***
	11	In the Matter of the Accusation of) No. H-04983 SD
		ALL SERVICE PROPERTY MANAGEMENT -) STIPULATION
	12	
	13	EAST COUNTY, INC.;) <u>AND</u>) <u>AGREEMENT</u>
		ANTHONY RAYMOND TIBBETTS;)
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	15	COLLEEN K. MCDADE;
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	16	TONY WIM STRUYK; and)
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÷.	· /	ARMADILLO INC.,
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	19	Respondents.
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		It is hereby stipulated by and between Respondents TONY WIM STRUYK
	21	("OTDITVE") I ADMADULIO INO ("ADMADULIO") I -4
	22	("STRUYK") and ARMADILLO INC. ("ARMADILLO"), both represented by Jeffrey A. Lake,
		Esq., and the Complainant, acting by and through Julie L. To, Counsel for the Department of
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	24	Real Estate ("Department" or "DRE"), as follows for the purpose of settling and disposing of the
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	26	2
	20	DRE Stipulation & Agreement, H-04983 SD:
	27	
		TONY WIM STRUYK & ARMADILLO INC.
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Accusation ("Accusation") filed on March 19, 2018, in Case No. H-04983 SD, in this matter. 1

1. All issues which were to be contested and all evidence which was to be 2 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing 3 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 ("Stipulation").

2. Respondents have received, read and understand the Statement to Respondent, 7 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate 8 ("Department") in this proceeding.

3. On April 9, 2018, Respondents timely filed Notices of Defense pursuant to 10 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations 11 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense. 12 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they 13 thereby waive their right to require the Commissioner to prove the allegations in the Accusation 14 at a contested hearing held in accordance with the provisions of the APA and that they will waive 15 other rights afforded to them in connection with the hearing such as the right to present evidence 16 in their defense and the right to cross-examine witnesses. 17

4. This Stipulation is based on the factual allegations contained in the Accusation. 18 In the interest of expedience and economy, Respondents choose not to contest these allegations, 19 but to remain silent, and understand that, as a result thereof, these factual allegations, without 20 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to 21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove 22 23 said factual allegations.

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DRE Stipulation & Agreement, H-04983 SD:

TONY WIM STRUYK & ARMADILLO INC.

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5. This Stipulation is made for the purpose of reaching an agreed disposition of 1 this proceeding and is expressly limited to this proceeding and any other proceeding or case in 2 which the Department or another licensing agency of this state, another state, or if the federal 3 government is involved, and otherwise shall not be admissible in any other criminal or civil 5 proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt 6 this Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and 7 sanctions on Respondents' real estate licenses and license rights as set forth in below "Order." In 8 the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement, 9 the Stipulation shall be void and of no effect and Respondents shall retain the right to a hearing 10 and proceeding on the Accusation under the provisions of the APA and shall not be bound by any 11 admission or waiver made herein. 12

7. The Order or any subsequent Order of the Real Estate Commissioner made 13 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further 14 administrative or civil proceedings by the Department of Real Estate with respect to any matters 15 1,6 which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations 17 against Respondents herein. 18

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers, and solely for the 20 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed 21 that the following determination of issues shall be made: 22

The conduct, acts or omissions of Respondents STRUYK and ARMADILLO, as 23 described in Paragraph 4, herein above, are in violation of: Code Sections 10159.2 and 10177(h) 24 25 26 DRE Stipulation & Agreement, H-04983 SD:

TONY WIM STRUYK & ARMADILLO INC.

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7(g), and [SIKO IK only] 10177(n).	
ADILLO as a violation of the Real Estate Lav 7(g), and [STRUYK only] 10177(h).	V

1	ORDER
2	WHEREFORE, THE FOLLOWING ORDER is hereby made:
3	I.
4	All licenses and licensing rights of Respondents TONY WIM STRUYK and
5,	ARMADILLO INC. under the Real Estate Law are suspended for a period of thirty (30) days
б	from the effective date of this Decision and Order; provided, however, that:
7	1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
8	following terms and conditions:
9	a) Respondents STRUYK and ARMADILLO shall obey all laws, rules and
10	regulations governing the rights, duties and responsibilities of a real estate
11	licensee in the State of California; and,
12	b) That no final subsequent determination be made, after hearing or upon
13	stipulation, that cause of disciplinary action occurred within two (2) years from
14	the effective date of this Decision and Order. Should such a determination be
15	made, the Commissioner may, in his discretion, vacate and set aside the stay
16	order and reimpose all or a portion of the stayed suspension. Should no such
17	determination be made, the stay imposed herein shall become permanent.
18	2. Respondent STRUYK 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 STRUYK fails to satisfy this condition, Respondent STRUYK's real estate license
22	shall automatically be suspended until Respondent STRUYK passes the examination.
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26	DRE Stipulation & Agreement, H-04983 SD:
27	TONY WIM STRUYK & ARMADILLO INC.
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1	3. Respondent STRUYK shall, within nine (9) months from the effective date of
2	this Decision and Order, present evidence satisfactory to the Commissioner that Respondent
3	STRUYK 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 STRUYK fails to satisfy
6	this condition, Respondent STRUYK's real estate license shall automatically be suspended until
7	Respondent STRUYK 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: $\frac{3 - 18 - 19}{\text{Julie L. To, Counsel for}}$
13	Department of Real Estate
14	***
15	EXECUTION OF THE STIPULATION
16	We have read the Stipulation and Agreement. Its terms are understood by us and
17	are agreeable and acceptable to us. We understand that we are waiving rights given to us by the
18	California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
19	11509 and 11513 of the Government Code), and we willingly, intelligently and voluntarily waive
20	those rights, including the right of requiring the Commissioner to prove the allegations in the
21	Accusation at a hearing at which we would have the right to cross-examine witnesses against us
22	and to present evidence in defense and mitigation of the charges.
23	MAILING AND FACSIMILE
24	Respondents can signify acceptance and approval of the terms and conditions of
25	
26	DRE Stipulation & Agreement, H-04983 SD:
27	TONY WIM STRUYK & ARMADILLO INC.
	- 6 -

1	this Stipulation and Agreement by sending a hard copy of the original signed signature page of
2	the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
3	St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
4	administrative hearing, Respondents can signify acceptance and approval of the terms and
5	conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
б	as actually signed by Respondents, to the Department counsel assigned to this case. Respondents
7	agree, acknowledge, and understand that by electronically sending to the Department a scan of
8	Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
9	the scan by the Department shall be binding on Respondents as if the Department had received
10	the original signed Stipulation and Agreement.
11	DATED: 3-18-19
12	TONY WIM STRUYK, Respondent
13	2-18-19
14	DATED:
15	By: TONY WIM STRUYK, Designated Officer
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17	I have reviewed the Stipulation and Agreement as to form and content and have
18	advised my clients accordingly.
19	DATED: 3/10/19
20	TONY WIM STRUYK and
21	ARMADILLO, INC.
22	* * *
23	The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
24	Respondents TONY WIM STRUYK and ARMADILLO INC., and shall become effective at 12
25	
26	DRE Stipulation & Agreement, H-04983 SD:
27	TONY WIM STRUYK & ARMADILLO INC.
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