

1 DEPARTMENT OF REAL ESTATE
2 P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

NOV 03 2010

DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-5411 SAC
13)
14) AMY MARIE COLEMAN and)
15) TERESA DOLL COLEMAN,)
16) Respondents.)

STIPULATION AND AGREEMENT

16 It is hereby stipulated by and between Respondent AMY MARIE COLEMAN,
17 acting by and through her attorney, C. Breck Jones, and the Complainant, acting by and through
18 Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on June 15, 2010, in this matter ("the
20 Accusation"):

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

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27 ///

No. H-5411 SAC

AMY MARIE COLEMAN

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

4 3. On June 23, 2010, Respondent COLEMAN filed a Notice of Defense
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
7 Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing
8 said Notice of Defense Respondent will thereby waive Respondent's right to require the
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 afforded
11 to Respondent in connection with the hearing such as the right to present evidence in defense of
12 the allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits
14 that the factual allegations in the Accusation pertaining to Respondent are true and correct and
15 stipulates and agrees that the Real Estate Commissioner shall not be required to provide further
16 evidence of such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may
18 adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty
19 and sanctions on Respondent's real estate license and license rights as set forth in the "Order"
20 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and
21 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
22 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
23 any admission or waiver made herein.

24 6. This Stipulation and Agreement shall not constitute an estoppel, merger
25 or bar to any further administrative or civil proceedings by the Department of Real Estate with
26 respect to any matters which were not specifically alleged to be causes for accusation in this
27 proceeding.

No. H-5411 SAC

AMY MARIE COLEMAN

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DETERMINATION OF ISSUES

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

The acts and omissions of Respondent AMY MARIE COLEMAN described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10176(a), 10176(i), 10177(g) and 10177(j) of the Code.

ORDER

All licenses and licensing rights of Respondent AMY MARIE COLEMAN under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days from the effective date of the Decision entered pursuant to this Order, Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

The restricted license issued to Respondent shall be subject to all of 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 that Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is

1 substantially related to Respondent's fitness or capacity as a real estate
2 licensee.

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

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

11 (a) That the employing broker has read the Decision of the
12 Commissioner which granted the right to a restricted license; and,

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

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

26 6. Respondent shall, within six (6) months from the effective date of this
27 Decision, take and pass the Professional Responsibility Examination

1 administered by the Department including the payment of the appropriate
2 examination fee. If Respondent fails to satisfy this condition, the
3 Commissioner may order suspension of Respondent's license until
4 Respondent passes the examination.

5 7. The restricted license issued to Respondent shall be suspended
6 indefinitely until such time as Respondent submits to the Commissioner
7 satisfactory evidence that Respondent has paid restitution in the sum of
8 \$294.00 to Darren Trueman.

9 8. The restricted license issued to Respondent is suspended for a period of
10 sixty (60) days from the date of issuance of said restricted license;
11 provided, however, that if Respondent petitions, thirty (30) days of said
12 suspension (or a portion thereof) shall be stayed upon condition that:

13 a. Respondent pays a monetary penalty pursuant to Section 10175.2
14 of the Business and Professions Code at the rate of \$150.00 for
15 each day of the suspension for a total monetary penalty of
16 \$4,500.00.

17 b. Said payment shall be in the form of a cashier's check or
18 certified check made payable to the Recovery Account of the
19 Real Estate Fund. Said check must be delivered to the
20 Department prior to the effective date of the Decision in this
21 matter.

22 c. No further cause for disciplinary action against the real estate
23 license of Respondent occurs within three (3) years from the
24 effective date of the Decision in this matter.

25 d. If Respondent fails to pay the monetary penalty in accordance
26 with the terms and conditions of the Decision, the Commissioner
27 may, without a hearing, order the immediate execution of all or

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any part of the stayed suspension in which event the Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

e. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within three (3) years from the effective date of the Decision, the stay hereby granted shall become permanent.

October 7, 2010
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

I have read the Stipulation and Agreement 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.

Oct 5, 2010
DATED

Amy Marie Coleman
AMY MARIE COLEMAN
Respondent

Approved as to form and content by counsel for Respondent.

October 5, 2010
DATED

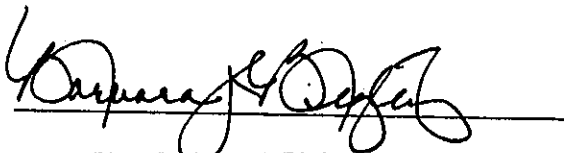
C. Breck Jones
C. BRECK JONES
Attorney for Respondent

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The foregoing Stipulation and Agreement is hereby adopted by as my Decision in
this matter as to Respondent AMY MARIE COLEMAN and shall become effective at
12 o'clock noon on NOV 23 2010

IT IS SO ORDERED 11-1-2010

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

PLG

FILED

NOV 03 2010

DEPARTMENT OF REAL ESTATE
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

| | | |
|------------------------------------|---|----------------|
| In the Matter of the Accusation of |) | |
| |) | NO. H-5411 SAC |
| |) | |
| AMY MARIE COLEMAN and |) | |
| TERESA DOLL COLEMAN, |) | |
| |) | |
| Respondents. |) | |

ORDER ACCEPTING VOLUNTARY SURRENDER OF REAL ESTATE LICENSE

On June 15, 2010, an Accusation was filed in this matter against Respondent TERESA DOLL COLEMAN.

On October 5, 2010, Respondent petitioned the Commissioner to voluntarily surrender her real estate salesperson license(s) pursuant to Section 10100.2 of the Business and Professions Code.

IT IS HEREBY ORDERED that Respondent TERESA DOLL COLEMAN's petition for voluntary surrender of her real estate salesperson license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration dated October 5, 2010 (attached as Exhibit "A" hereto).

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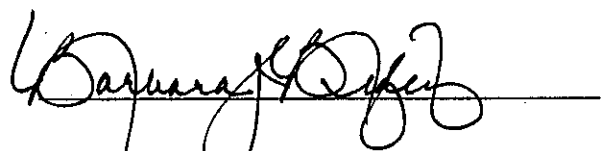
Respondent's license certificate(s), pocket card(s) and any branch office license certificate(s) shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 187000
Sacramento, CA 95818-7000

This Order shall become effective at 12 o'clock noon on **NOV 23 2010**

DATED: 11-1-2010

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Blgby
Chief Deputy Commissioner

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-5411 SAC
)
)
AMY MARIE COLEMAN and)
TERESA DOLL COLEMAN,)
)
Respondents.)
)

DECLARATION

My name is TERESA DOLL COLEMAN, also known as TERESA DOLL COOK, and I am currently licensed as a real estate salesperson and/or have license rights with respect to said license. I am representing myself in this matter.

In lieu of proceeding in this matter in accordance with the provisions of the Administrative Procedure Act (Sections 11400 et seq., of the Government Code), I wish to voluntarily surrender my real estate license(s) issued by the Department of Real Estate ("Department"), pursuant to Business and Professions Code Section 10100.2.

I understand that by so voluntarily surrendering my license(s), I may be relicensed as a broker or as a salesperson only by petitioning for reinstatement pursuant to

1 Section 11522 of the Government Code. I also understand that by so voluntarily surrendering
2 my license(s), I agree to the following:

3 1. The filing of this Declaration shall be deemed as my petition for
4 voluntary surrender.

5 2. It shall also be deemed to be an understanding and agreement by me that I
6 waive all rights I have to require the Commissioner to prove the allegations contained in the
7 Accusation filed in this matter at a hearing held in accordance with the provisions of the
8 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that I also waive
9 other rights afforded to me in connection with the hearing such as the right to discovery, the
10 right to present evidence in defense of the allegations in the Accusation and the right to cross-
11 examine witnesses.

12 3. I further agree that upon acceptance by the Commissioner, as evidenced
13 by an appropriate order, all affidavits and all relevant evidence obtained by the Department in
14 this matter prior to the Commissioner's acceptance, and all allegations contained in the
15 Accusation filed in the Department Case No. H-5411 SAC, may be considered by the
16 Department to be true and correct for the purpose of deciding whether to grant re-licensure or
17 reinstatement pursuant to Government Code Section 11522.

18 4. I freely and voluntarily surrender all my licenses and license rights under
19 the Real Estate Law.

20 I declare under penalty of perjury under the laws of the State of California that
21 the above is true and correct and that this declaration was executed October 5th,
22 2010, at Sacramento, California.

23
24 
25 TERESA DOLL COLEMAN
26
27

1 MICHAEL B. RICH, Counsel
2 State Bar No. 84257
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007

FILED

JUN 15 2010

DEPARTMENT OF REAL ESTATE

By *[Signature]*

6 Telephone: (916)-227-1126 Direct
7 (916) 227-0789 Legal Section

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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|---------------------------------------|---|-------------------|
| 11 In the Matter of the Accusation of |) | |
| |) | NO. H-5411 SAC |
| |) | |
| 12 AMY MARIE COLEMAN and |) | <u>ACCUSATION</u> |
| 13 TERESA DOLL COLEMAN, |) | |
| |) | |
| 14 Respondents. |) | |
| |) | |

16
17 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
18 of the State of California, for Causes of Accusation against AMY MARIE COLEMAN and
19 against TERESA DOLL COLEMAN also known as TERESA DOLL COOK, is informed and
20 alleges as follows:

21 1

22 Respondent AMY MARIE COLEMAN (hereinafter "Respondent COLEMAN"),
23 and Respondent TERESA DOLL COLEMAN (hereinafter "Respondent COOK") are presently
24 licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the
25 California Business and Professions Code (hereinafter "the Code").

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The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in her official capacity.

3

At all times herein mentioned, Respondent COLEMAN was and is licensed by the Department as an individual real estate broker.

4

At all times herein mentioned, Respondent COLEMAN was employed under a broker-salesperson arrangement by South Hall Investors, Inc., a corporate real estate broker doing business under the fictitious name of Keller Williams Natomas.

5

At all times herein mentioned, Respondent COOK was and is licensed by the Department as an individual real estate salesperson.

6

At all times herein mentioned, from August 25, 2006, through February 2, 2010, Respondent COOK was licensed by the Department as a real estate salesperson in the employ of South Hall Investors, Inc., a corporate real estate broker doing business under the fictitious name of Keller Williams Natomas.

7

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate brokers within the meaning of Section 10131(a) of the Code, including, on behalf of others, for or in expectation of compensation, Respondents sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchases of, solicited or obtained listings of, and/or negotiated the purchase or sale of real property.

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2 Within three years prior to the filing of this Accusation, on or about February 16,
3 2009, in the course and scope of conducting the activities set forth in Paragraph 7, above,
4 Respondent COLEMAN solicited for and negotiated a listing agreement with Cheryle Loya
5 (hereinafter "Seller") to sell her real property identified as 716 Lindsay Avenue in Sacramento,
6 California (hereinafter "subject property").

7
8 At all times herein mentioned, the subject property was encumbered by a senior
9 deed of trust held by Wells Fargo Bank (hereinafter "Wells Fargo") and by a junior deed of trust
10 held by Universal Assurors Agency, Inc., attorney in fact for Evanston Insurance Company as
11 successor in interest to the original lender, First Tennessee Bank also known as First Horizon
12 (hereinafter "First Horizon").

13
14 At all times herein mentioned, the value of the subject property was less than the
15 total amount due under the promissory notes secured by the encumbrances and/or Seller was
16 subject to default and loss of the property through foreclosure or through a trustee's sale.

17
18 Within three years prior to the filing of this Accusation, Respondents solicited for
19 and negotiated with the lenders on behalf of Seller to permit sale of the subject property for an
20 amount less than the balance due on the loans secured by the subject property whereby the
21 lenders would forgive any remaining balance due on the promissory notes and/or release their
22 liens; a sale transaction otherwise known as a "short sale."

23
24 On or about March 5, 2009, Respondent COLEMAN received from Yong Sook
25 Kim, a licensed real estate agent on behalf of Darren Trueman (hereinafter "Buyer"), a
26 RESIDENTIAL PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS
27 (hereinafter "Agreement") offering to purchase the subject property, which was accepted by

1 Seller on or about March 23, 2009, pursuant to counter-offer, for a sale price of \$50,000.00 and
2 a \$5,000.00 cashier's check from Buyer made payable to First Horizon to be delivered ten days
3 prior to the close of escrow.

4 13

5 Within three years prior to the filing of this Accusation, on or about April 1,
6 2009, Respondents induced Wells Fargo to approve the short sale by submitting to Wells Fargo
7 a copy of the Agreement that had been forged and/or altered to omit all reference to Buyer's
8 \$5,000.00 cashier's check made payable to First Horizon, and by causing and directing that a
9 HUD-1 Settlement Statement to be submitted to Wells Fargo indicating that the junior
10 lienholder, First Horizon, would release its lien for the sum of \$2,500.00 to be paid from the
11 sale proceeds of \$50,000.00.

12 14

13 In truth and in fact, as Respondents knew or should have known at the time
14 through the exercise of reasonable diligence, that: 1.) the Agreement submitted to Wells Fargo
15 had been forged and/or altered to omit all reference to Buyer's \$5,000.00 cashier's check made
16 payable to First Horizon; 2.) First Horizon would not release its lien for a sum less than
17 \$7,500.00; 3.) Wells Fargo would not approve the short sale if the junior lienholder was to
18 receive an amount in excess of \$3,000.00; 4.) Wells Fargo would not approve the short sale if
19 any person or party was to receive payment of any sum of money outside of escrow; and, 4.) the
20 actual sales price was \$55,000.00, not \$50,000.00.

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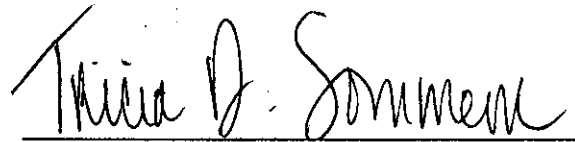
22 The acts and/or omissions of Respondents described in Paragraphs 12, 13 and 14,
23 above, constituted substantial misrepresentations, fraud, deceit, and dishonest dealing.

24 16

25 The acts and/or omissions of Respondents as alleged in Paragraphs 12, 13, 14,
26 and 15, above, constitute grounds for the revocation or suspension of Respondents' licenses
27 and/or license rights under Section 10176(a) of the Code [making any substantial

1 misrepresentation], Section 10176(i) of the Code [engaged in any other conduct, while acting in
2 a licensed capacity whether of the same or different character than specified in this section,
3 constituting fraud or dishonest dealing], Section 10177(g) [demonstrated negligence or
4 incompetence in performing an act for which he or she is required to hold a license] and/or
5 Section 10177(j) of the Code [engaged in any other conduct, whether of the same or different
6 character than specified in this section, constituting fraud or dishonest dealing].

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

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15 TRICIA D. SOMMERS
16 Deputy Commissioner

17 Dated at Sacramento, California

18 this 3rd day of June, 2010

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