

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670

FILED

OCT 24 2016

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) Case No. H-6387 SAC
12)
13 ANNA ELIZABETH SCHEEPERS,) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER
15 Respondent.)

16 It is hereby stipulated by and between Respondent ANNA ELIZABETH
17 SCHEEPERS ("Respondent"), acting by and through her counsel, Mary E. Work, Esq., and the
18 Complainant, acting by and through Jason D. Lazark, Esq., Counsel for the Bureau of Real
19 Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed
20 on April 19, 2016, in this matter:

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
23 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
25 this Stipulation and Agreement In Settlement and Order ("Stipulation and Agreement").

26 2. Respondent has received, read, and understands the Statement to
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the in this
proceeding.

1 3. On or about May 6, 2016, Respondent filed a Notice of Defense pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges and understands that by withdrawing said Notice of
5 Defense, she will thereby waive her right to require the Real Estate Commissioner
6 (“Commissioner”) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that she will waive other rights afforded to her
8 in connection with the hearing such as the right to present evidence in defense of the
9 allegations in the Accusation and the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, hereby admits that
11 the factual allegations as set forth in the Accusation filed in this proceeding are true and correct
12 and the Commissioner shall not be required to provide further evidence of such allegations.

13 5. It is understood by the parties that the Commissioner may adopt the
14 Stipulation and Agreement as his Decision and Order in this matter, thereby imposing the
15 penalties and sanctions on Respondent’s real estate licenses and license rights as set forth in the
16 below Decision and Order. In the event that the Commissioner in his discretion does not adopt
17 the Stipulation and Agreement, it shall be void and of no effect, and Respondent shall retain
18 the right to a hearing and proceeding on the Accusation under all the provisions of the APA
19 and shall not be bound by any admission or waiver made herein.

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

24 7. Respondent understands that by agreeing to this Stipulation and Agreement,
25 Respondent agrees to pay, pursuant to Section 10106 of the Business and Professions Code
26 (“Code”), the cost of the investigation and enforcement which resulted in the determination that
27 Respondent committed the violation(s) found in the Determination of Issues. The amount of

1 said costs is \$5,439.80.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations, admissions and waivers, and solely for
4 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
5 that the acts and omissions of Respondent, as described in the Accusation, violate Sections
6 10176(a), 10176(c), 10176(i) and 10177(d) of the Code.

7 DECISION AND ORDER

8 1. All licenses and licensing rights of Respondent under the Real Estate Law
9 are revoked; provided, however, a restricted real estate salesperson license shall be issued to
10 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore
11 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the
12 effective date of this Decision.

13 2. The restricted license issued to Respondent shall be subject to all of the
14 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
15 restrictions imposed under authority of Section 10156.6 of that Code:

16 (a) The restricted license issued to Respondent shall be suspended prior to
17 hearing by Order of the Commissioner in the event of Respondent's
18 conviction (including by plea of guilty or nolo contendere) to a crime
19 which is substantially related to Respondent's fitness or capacity as a real
20 estate licensee; and,

21 (b) The restricted license issued to Respondent shall be suspended prior to
22 hearing by Order of the Commissioner on evidence satisfactory to the
23 Commissioner that Respondent has violated provisions of the California
24 Real Estate Law, the Subdivided Lands Law, Regulations of the Real
25 Estate Commissioner, or conditions attaching to the restricted license.

26 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
27 real estate license nor for removal of any of the conditions, limitations or restrictions of a

1 restricted license until three (3) years have elapsed from the effective date of this Decision.
2 Respondent shall not be eligible to apply for any unrestricted license until all restrictions
3 attaching to the license have been removed.

4 4. With any application for license under any employing broker, or any
5 application for transfer to a new employing broker, Respondent shall submit a statement signed
6 by the prospective employing real estate broker on a form approved by the Bureau which shall
7 certify as follows:

8 (a) That the employing broker has read the Decision of the Commissioner
9 which is the basis for the right to a restricted license; and

10 (b) That the employing broker will carefully review all transaction
11 documents prepared by the restricted licensee and otherwise exercise close
12 supervision over the Respondent's performance of acts for which a real
13 estate license is required.

14 5. Respondent shall, within nine (9) months from the effective date of this
15 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most
16 recent issuance of an original or renewal real estate license, taken and successfully completed the
17 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
18 of a real estate license. If Respondent fails to satisfy this condition, Respondent's restricted real
19 estate license shall automatically be suspended until the Respondent presents such evidence to
20 the Commissioner. Proof of completion of the continuing education courses must be delivered
21 to: Bureau of Real Estate, Flag Section, P. O. Box 137013, Sacramento, CA 95813-7013.

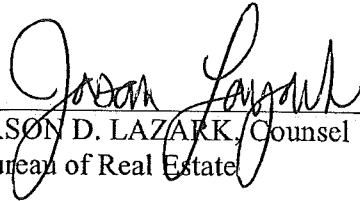
22 6. Respondent shall, within six (6) months from the effective date of this
23 Decision and Order, take and pass the Professional Responsibility Examination administered by
24 the Bureau, including the payment of the appropriate examination fee. If Respondent fails to
25 satisfy this condition, Respondent's real estate license shall automatically be suspended until
26 Respondent passes the examination.

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7. All licenses and licensing rights of Respondent are indefinitely suspended
unless or until Respondent pays the sum of \$5,439.80 for the Commissioner's reasonable costs
of the investigation and enforcement which led to this disciplinary action. Said payment shall
be in the form of a cashier's check or certified check made payable to the Bureau of Real
Estate. The investigative and enforcement costs must be delivered to the Bureau of Real
Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
date of this Decision and Order.

9/26/16
DATED


JASON D. LAZARK, Counsel
Bureau of Real Estate

* * *

I have read the Stipulation and Agreement in Settlement and Order and
discussed it with my counsel, Mary E. Work, 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.

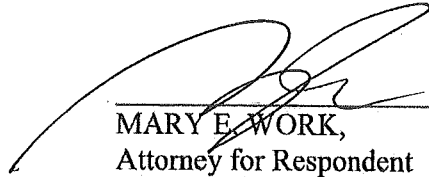
9/9/16
DATED


ANNA ELIZABETH SCHEEPERS,
Respondent

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

9/9/16

DATED



MARY E. WORK,
Attorney for Respondent
ANNA ELIZABETH SCHEEPERS

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 14 2016

IT IS SO ORDERED

10/21/2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER

