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FILED

DEC 10 2014

BUREAU OF REAL ESTATE

By S. Black

Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

III CREATE INC., and BARBARA A.
BRENZEL,

Respondents.

No. H-11752 SF

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between III CREATE INC. (Respondent),
represented by Shannon B. Jones, and the Complainant, acting by and through Truly Sughrue,
Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and
disposing the Accusation filed on September 3, 2014 in this matter:

1. All issues which were to be contested and all evidence which was to be
presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing
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.

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

1 however, that:

2 1) Thirty (30) days of said suspension shall be stayed, upon the condition that Respondent
3 petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section
4 10175.2 of the Code at a rate of \$75 for each day of the suspension for a total monetary penalty
5 of \$2,250.

6 a) Said payment shall be in the form of a cashier's check made payable to the Bureau of
7 Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at
8 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

9 b) No further cause for disciplinary action against the Real Estate licenses of Respondent
10 occurs within two (2) years from the effective date of the decision in this matter.

11 c) If Respondent fails to pay the monetary penalty as provided above prior to the effective
12 date of this Order, the stay of the suspension shall be vacated as to that Respondent and
13 the order of suspension shall be immediately executed, under this Order, in which event
14 the said Respondent shall not be entitled to any repayment nor credit, prorated or
15 otherwise, for the money paid to the Bureau under the terms of this Order.

16 d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation
17 and Agreement and if no further cause for disciplinary action against the real estate
18 license of said Respondent occurs within two (2) years from the effective date of this
19 Order, the entire stay hereby granted this Order, as to said Respondent only, shall become
20 permanent.

21 2) Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms
22 and conditions:

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

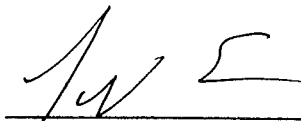
25 b) That no final subsequent determination be made, after hearing or upon stipulation, that
26 cause for disciplinary action occurred within two (2) years from the effective date of this
27 Order. Should such a determination be made, the Commissioner may, in his discretion,

1 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension.
2 Should no such determination be made, the stay imposed herein shall become permanent.

3 3) Respondent shall pay the sum of \$5,181 for the Commissioner's cost of the audit which led to
4 this disciplinary action. Respondent shall pay such cost within sixty (60) days of receiving an
5 invoice therefore from the Commissioner. Payment of audit costs should not be made until
6 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
7 manner as provided for herein, Respondent's real estate licenses shall automatically be
8 suspended until payment is made in full, or until a decision providing otherwise is adopted
9 following a hearing held pursuant to this condition.

10 4) Respondent shall pay the Commissioner's reasonable cost, not to exceed \$5,181, for an audit
11 to determine if Respondent has corrected the violation(s) found in the Determination of
12 Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner
13 may use the estimated average hourly salary for all persons performing audits of real estate
14 brokers, and shall include an allocation for travel time to and from the auditor's place of
15 work. Respondents shall pay such cost within sixty (60) days of receiving an invoice
16 therefore from the Commissioner. Payment of the audit costs should not be made until
17 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
18 manner as provided for herein, Respondent real estate license shall automatically be
19 suspended until payment is made in full, or until a decision providing otherwise is adopted
20 following a hearing held pursuant to this condition.

21
22 10-Nov-14
23 DATED


21
22 
23 TRULY SUGHRUE
24 Counsel for Complainant

24 * * *

25 I have read the Stipulation and Agreement, discussed it with my counsel, and its
26 terms are understood by me and are agreeable and acceptable to me. I understand that I am
27 waiving rights given to me by the California Administrative Procedure Act, and I willingly,

1 intelligently and voluntarily waive those rights, including the right of requiring the
2 Commissioner to prove the allegations in the Accusations at a hearing at which I would have the
3 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
4 the charges.


5 11/3/14
6 DATED


7 William Michael Aboumrad, on behalf of
8 III CREATE INC.
9 Respondent

10 ***

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

13 11/6/14
14 DATED


15 SHANNON B. JONES
16 Attorney for Respondent

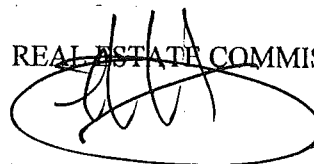
17 ***

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
19 shall become effective at 12 o'clock noon on DEC 31 2014

20 IT IS SO ORDERED

21 **DEC 09 2014**

22 REAL ESTATE COMMISSIONER



23 By: JEFFREY MASON
24 Chief Deputy Commissioner