

1 Bureau of Real Estate
2 P.O. Box 187007
3 Sacramento, CA 95818-7007

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FILED

JUN 12 2017

BUREAU OF REAL ESTATE

By B. Nicholas

7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 J V HOLDINGS INC. and JASON DAVID)
13 CROUCH)

14 Respondents.)

No. H-12007 SF

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between J V HOLDINGS INC. (JVHI) and JASON
16 DAVID CROUCH (CROUCH) (collectively "Respondents"), represented by Joshua A.
17 Rosenthal, and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of
18 Real Estate (Bureau), as follows for the purpose of settling and disposing the First Amended
19 Accusation filed on April 14, 2017, in this matter:

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

25 2. Respondents have received, read, and understand the Statement to
26 Respondent, and the Discovery Provisions of the APA filed by the Bureau in this proceeding.
27

1 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense
5 Respondents will thereby waive Respondents' rights 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 Respondents will waive other rights
8 afforded to Respondents in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation and Agreement is based on the factual allegations
11 contained in the Accusation. In the interest of expediency and economy, Respondents choose not
12 to contest these factual allegations, but to remain silent and understand that, as a result thereof,
13 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
14 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
15 prove such allegations.

16 5. This Stipulation and Agreement and Respondents' decision not to contest
17 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
18 are expressly limited to this proceeding and any other proceeding or case in which the Bureau,
19 the state or federal government, an agency of this state, or an agency of another state is involved.

20 6. Respondents understand that by agreeing to this Stipulation and
21 Agreement, Respondents agrees to pay, pursuant to Section 10148 of the California Business
22 and Professions Code (Code), the cost of the audit, which resulted in the determination that
23 Respondents committed the trust fund handling violation(s) found in the Determination of
24 Issues. The amount of said costs is \$8,341.50.

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26 ///

27 ///

I

The acts and omissions of Respondents as described in the Accusation are grounds for the suspension or revocation of Respondents' licenses and license rights under the following sections of the Code and Title 10 of the California Code of:

As to Paragraph 8(a), under Section 10177(d) of the Code in conjunction with Section 10145 of the Code and Section 2832.1 of the Regulations;

As to Paragraph 8(b), under Section 10177(d) of the Code in conjunction with Section 2831 of the Regulations;

As to Paragraph 8(c), under Section 10177(d) of the Code in conjunction with Section 10145(g) of the Code and Section 2831.1 of the Regulations;

As to Paragraph 8(d), under Section 10177(d) of the Code in conjunction with Section 2831.2 of the Regulations; and,

As to Paragraph 8(e), under Section 10177(d) of the Code in conjunction with Section 2834 of the Regulations.

II

The acts and/or omissions of CROUCH as described in the Accusation is cause for the suspension or revocation of Respondent's license and/or license rights under Section 10177(h) of the Code.

* * *

ORDER

I

All licenses and licensing rights of Respondent JVHI under the Real Estate Law are revoked; provided, however, a restricted real estate corporate broker license shall be issued to JVHI pursuant to Section 10156.5 of the Code if JVHI makes application therefor and pays to the Bureau the appropriate fee for the restricted license within 90 days from the effective date of this Decision and Order. The restricted license issued to JVHI shall be subject to all of the provisions

1 of Section 10156.7 of the Code and to the following limitations, conditions and restrictions
2 imposed under authority of Section 10156.6 of that Code:

3 1. The restricted license issued to JVHI may be suspended prior to hearing by
4 Order of the Commissioner in the event of JVHI's conviction or plea of nolo contendere to a
5 crime which is substantially related to JVHI's fitness or capacity as a real estate licensee.

6 2. The restricted license issued to JVHI may be suspended prior to hearing by
7 Order of the Commissioner on evidence satisfactory to the Commissioner that JVHI has violated
8 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the
9 Commissioner or conditions attaching to the restricted license.

10 3. JVHI shall not be eligible to apply for the issuance of an unrestricted real
11 estate license nor for removal of any of the conditions, limitations, or restrictions of a restricted
12 license until two (2) years have elapsed from the effective date of this Decision and Order. JVHI
13 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the
14 license have been removed.

15 II

16 All licenses and licensing rights of Respondent CROUCH under the Real Estate
17 Law are revoked; provided, however, a restricted real estate broker license shall be issued to
18 CROUCH pursuant to Section 10156.5 of the Code if CROUCH makes application therefor and
19 pays to the Bureau the appropriate fee for the restricted license within 90 days from the effective
20 date of this Decision and Order. The restricted license issued to CROUCH shall be subject to all
21 of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
22 restrictions imposed under authority of Section 10156.6 of that Code:

23 1. The restricted license issued to CROUCH may be suspended prior to
24 hearing by Order of the Commissioner in the event of CROUCH's conviction or plea of nolo
25 contendere to a crime which is substantially related to CROUCH's fitness or capacity as a real
26 estate licensee.

1 2. The restricted license issued to CROUCH may be suspended prior to
2 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
3 CROUCH has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
4 Regulations of the Commissioner or conditions attaching to the restricted license.

5 3. CROUCH shall not be eligible to apply for the issuance of an unrestricted
6 real estate license nor for removal of any of the conditions, limitations, or restrictions of a
7 restricted license until two (2) years have elapsed from the effective date of this Decision and
8 Order. CROUCH shall not be eligible to apply for any unrestricted licenses until all restrictions
9 attaching to the license have been removed.

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

20 5. All licenses and licensing rights of CROUCH are indefinitely suspended
21 unless or until CROUCH provides proof satisfactory to the Commissioner, of having taken and
22 successfully completed the continuing education course on trust fund accounting and handling
23 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
24 satisfaction of these requirements includes evidence that CROUCH has successfully completed
25 the trust fund account and handling continuing education courses, no earlier than 120 days prior
26 to the effective date of the Decision and Order in this matter. Proof of completion of the trust
27 fund accounting and handling course must be delivered to the Bureau of Real Estate, Flag

1 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
2 effective date of this Decision and Order.

3 6. All licenses and licensing rights of CROUCH are indefinitely suspended
4 unless or until CROUCH provides proof satisfactory to the Commissioner, of having taken and
5 successfully completed the continuing education course on risk management specified in
6 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of these
7 requirements includes evidence that CROUCH has successfully completed the risk management
8 continuing education courses, no earlier than 120 days prior to the effective date of the Decision
9 and Order in this matter. Proof of completion of the risk management course must be delivered
10 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or
11 by fax at 916-263-8758, prior to the effective date of this Decision and Order.

12 III

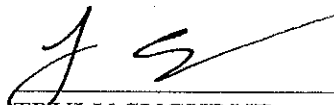
13 1. Pursuant to Section 10148 of the Code, Respondents shall jointly and
14 severally pay the sum of \$8,341.50 for the Commissioner's cost of the audit which led to this
15 disciplinary JVHI. Respondents shall pay such cost within sixty (60) days of receiving an
16 invoice therefore from the Commissioner. Payment of audit costs should not be made until
17 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
18 as provided for herein, Respondents' real estate license shall automatically be suspended until
19 payment is made in full, or until a decision providing otherwise is adopted following a hearing
20 held pursuant to this condition.

21 2. Pursuant to Section 10148 of the Code, Respondents shall pay the
22 Commissioner's reasonable cost, not to exceed \$10,426.88, for an audit to determine if
23 Respondents have corrected the violation(s) found in the Determination of Issues. In calculating
24 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
25 average hourly salary for all persons performing audits of real estate brokers, and shall include an
26 allocation for travel time to and from the auditor's place of work. Respondents shall pay such
27 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of

1 the audit costs should not be made until Respondents receive the invoice. If Respondents fail to
2 satisfy this condition in a timely manner as provided for herein, Respondents' real estate license
3 shall automatically be suspended until payment is made in full, or until a decision providing
4 otherwise is adopted following a hearing held pursuant to this condition.

5 3. All licenses and licensing rights of Respondents are indefinitely suspended
6 unless or until Respondents pays the sum of \$1,344.50 for the Commissioner's reasonable cost of
7 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
8 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
9 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
10 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

11 9-May-17
12 DATED

11 
12 TRULLY SUGHRUE
13 Counsel for Complainant

14 * * *

15 I have read the Stipulation and Agreement, discussed it with my counsel, and its
16 terms are understood by me and are agreeable and acceptable to me. I understand that I am
17 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
18 intelligently and voluntarily waive those rights, including the right of requiring the
19 Commissioner to prove the allegations in the Accusations at a hearing at which I would have the
20 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
21 the charges.

22 Respondents and Respondents' attorney further agree to send the original signed
23 Stipulation and Agreement by mail to the following address no later than one (1) week from the
24 date the Stipulation and Agreement is signed by Respondents and Respondents' attorney:

25 *Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.*

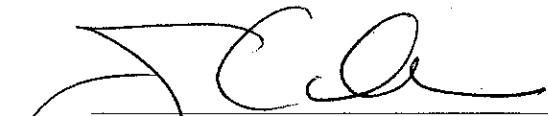
26 Respondents and Respondents' attorney understand and agree that if they fail to return the
27

1 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
2 this matter for hearing.

3 5/2/2017
4 DATED


Jason David Crouch, for
J V HOLDINGS INC.
Respondent

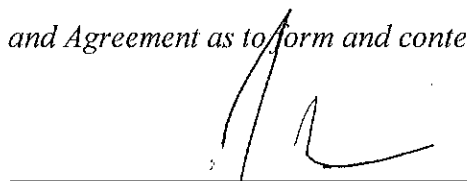
6 5/2/2017
7 DATED


JASON DAVID CROUCH
Respondent

9 ***

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

12 5/14/2017
13 DATED


JOSHUA A. ROSENTHAL
Attorney for Respondents

14 * * *

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
16 Order and shall become effective at 12 o'clock noon on **JUL 03 2017**

17 IT IS SO ORDERED 6/5/2017

18
19 WAYNE S. BELL
20 REAL ESTATE COMMISSIONER
