

1 DEPARTMENT OF REAL ESTATE
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3 Sacramento, CA 95813-7007

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FILED

OCT 25 2019

DEPARTMENT OF REAL ESTATE

By *R. Koepf*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:)	Case No. H-12260 SF
)	
12 GEOFFREY CURTIS DAVIS JR.,)	<u>STIPULATION AND AGREEMENT</u>
13 GREG HAMILTON COLLINS, and)	<u>IN SETTLEMENT AND ORDER</u>
14 SUNSHINE REAL ESTATE)	
15 SOLUTIONS, INC.)	
)	
16 Respondents.)	

17 It is hereby stipulated by and between Respondents GEOFFREY CURTIS
18 DAVIS JR. ("DAVIS"), acting by and through counsel Steven P. Cohen, GREG HAMILTON
19 COLLINS ("COLLINS"), acting by and through counsel Joshua A. Rosenthal, and SUNSHINE
20 REAL ESTATE SOLUTIONS, INC. ("SUNSHINE"), also acting by and through counsel
21 Joshua A. Rosenthal (collectively DAVIS, COLLINS, and SUNSHINE are referred to herein as
22 "Respondents"), and the Complainant, acting by and through Jason D. Lazark, Counsel for the
23 Department of Real Estate ("Department"), as follows for the purpose of settling and disposing
24 of the First Amended Accusation filed on March 6, 2019, in this matter:

25 1. All issues which were to be contested and all evidence which was to be
26 presented by Complainant and Respondents at a formal hearing on the First Amended
27 Accusation, which hearing was to be held in accordance with the provisions of the

1 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely
2 on the basis of the provisions of this Stipulation and Agreement In Settlement and Order
3 ("Stipulation and Agreement").

4 2. Respondents have received, read and understand the Statements to
5 Respondent, the Discovery Provisions of the APA and the First Amended Accusation filed by
6 the Department in this proceeding.

7 3. Respondents filed Notices of Defense pursuant to Section 11505 of the
8 Government Code for the purpose of requesting a hearing on the allegations in the First
9 Amended Accusation. Respondents hereby freely and voluntarily withdraw said Notices of
10 Defense. Respondents acknowledge that they understand that by withdrawing said Notices of
11 Defense they will thereby waive their rights to require the Commissioner to prove the
12 allegations in the First Amended Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that they will waive other rights afforded to them in connection
14 with the hearing such as the right to present evidence in defense of the allegations in the First
15 Amended Accusation and the right to cross-examine witnesses.

16 4. Respondents, pursuant to the limitations set forth below, hereby admit that
17 the factual allegations as set forth in the First Amended Accusation filed in this proceeding are
18 true and correct and the Commissioner shall not be required to provide further evidence of such
19 allegations.

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

27

1 I.

2 The acts and omissions of COLLINS, as described in the Accusation, are grounds
3 for the suspension or revocation of the licenses and license rights of COLLINS under the
4 provisions of Sections 10176(g), 10176(i), 10177(d), 10177(g), and 10177(j) of the Business and
5 Professions Code (“the Code”),

6 II.

7 The acts and omissions of DAVIS, as described in the Accusation, are grounds for
8 the suspension or revocation of the licenses and license rights of DAVIS under the provisions of
9 Sections 10145, 10159.2, 10176(g), 10176(i), 10177(d), 10177(g), 10177(h), and 10177(j) of the
10 Code, and Sections 2725, 2832, 2832.1 of Title 10, California Code of Regulations (“the
11 Regulations”).

12 III.

13 The acts and omissions of SUNSHINE, as described in the Accusation, are
14 grounds for the suspension or revocation of the licenses and license rights of SUNSHINE under
15 the provisions of Sections 10145, 10176(a), 10176(c), 10176(i), 10177(d), 10177(g), and
16 10177(j) of the Code, and Sections 2832 and 2832.1 of Title 10, California Code of Regulations.

17 ORDER

18 I. AS TO DAVIS

19 1. All licenses and licensing rights of DAVIS under the Real Estate Law are
20 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent
21 pursuant to Section 10156.5 of the Code if Respondent makes application therefore and pays to
22 the Department the appropriate fee for the restricted license within 90 days from the effective
23 date of this Decision.

24 2. The restricted license issued to DAVIS shall be subject to all of the provisions
25 of Section 10156.7 of the Code as to the following limitations, conditions and restrictions
26 imposed under authority of Section 10156.6 of that Code:
27

1 (a) The restricted license issued to DAVIS shall be suspended prior to hearing
2 by Order of the Commissioner in the event of DAVIS' conviction
3 (including by plea of guilty or nolo contendere) to a crime which is
4 substantially related to DAVIS' fitness or capacity as a real estate
5 licensee; and,

6 (b) The restricted license issued to DAVIS shall be suspended prior to hearing
7 by Order of the Commissioner on evidence satisfactory to the
8 Commissioner that DAVIS has violated provisions of the California Real
9 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
10 Commissioner, or conditions attaching to the restricted license. This
11 provision shall not be enforced with respect to the Department's existing
12 case against DAVIS in Department Case No. H-12324 SF.

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

16 4. DAVIS shall notify the Commissioner in writing within 72 hours of any arrest
17 by sending a certified letter to the Commissioner at the Department, Post Office Box 137000,
18 Sacramento, CA 95813-7000. The letter shall set forth the date of DAVIS' arrest, the crime for
19 which DAVIS was arrested and the name and address of the arresting law enforcement agency.
20 DAVIS' failure to timely file written notice shall constitute an independent violation of the terms
21 of the restricted license and shall be grounds for the suspension or revocation of that license.

22 5. DAVIS shall, within nine (9) months from the effective date of this Order,
23 present evidence satisfactory to the Commissioner that DAVIS has, since the most recent
24 issuance of an original or renewal real estate license, taken and successfully completed the
25 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
26 of a real estate license. If DAVIS fails to satisfy this condition, DAVIS' real estate license shall
27 automatically be suspended until DAVIS presents evidence satisfactory to the Commissioner of

1 having taken and successfully completed the continuing education requirements. Proof of
2 completion of the continuing education course must be delivered to the Department, Flag Section
3 at P.O. Box 137013, Sacramento, CA 95813-7013.

4 6. DAVIS shall, within six (6) months from the issuance of the Order, take and
5 pass the Professional Responsibility Examination administered by the Department, including the
6 payment of the appropriate examination fee. All licenses and licensing rights of DAVIS shall be
7 indefinitely suspended unless or until DAVIS passes the examination.

8 7. All licenses and licensing rights of DAVIS are indefinitely suspended
9 unless or until DAVIS provides proof satisfactory to the Commissioner, of having taken and
10 successfully completed the continuing education course on trust fund accounting and handling
11 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
12 Code. Proof of satisfaction of this requirement includes evidence that DAVIS has successfully
13 completed the trust fund account and handling continuing education course, no earlier than 120
14 days prior to the effective date of the Decision and Order in this matter. Proof of completion of
15 this continuing education course must be delivered to the Department of Real Estate, Flag
16 Section, at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8943 prior to
17 the effective date of this Decision and Order.

18 II. AS TO COLLINS

19 1. All licenses and licensing rights of COLLINS under the Real Estate Law are
20 revoked; provided, however, a restricted real estate salesperson license shall be issued to
21 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefore
22 and pays to the Department the appropriate fee for the restricted license within 90 days from the
23 effective date of this Decision.

24 2. The restricted license issued to COLLINS shall be subject to all of the
25 provisions of Section 10156.7 of the Code as to the following limitations, conditions and
26 restrictions imposed under authority of Section 10156.6 of that Code:
27

1 (a) The restricted license issued to COLLINS shall be suspended prior to
2 hearing by Order of the Commissioner in the event of COLLINS's
3 conviction (including by plea of guilty or nolo contendere) to a crime
4 which is substantially related to COLLINS's fitness or capacity as a real
5 estate licensee; and,

6 (b) The restricted license issued to COLLINS shall be suspended prior to
7 hearing by Order of the Commissioner on evidence satisfactory to the
8 Commissioner that COLLIS has violated provisions of the California Real
9 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
10 Commissioner, or conditions attaching to the restricted license.

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

14 4. COLLINS shall notify the Commissioner in writing within 72 hours of any
15 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post
16 Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
17 COLLINS' arrest, the crime for which COLLINS was arrested and the name and address of the
18 arresting law enforcement agency. COLLINS' failure to timely file written notice shall
19 constitute an independent violation of the terms of the restricted license and shall be grounds for
20 the suspension or revocation of that license.

21 5. COLLINS shall submit with any application for license under an employing
22 broker, or any application for transfer to a new employing broker, a statement signed by the
23 prospective employing real estate broker on a form approved by the Department which shall
24 certify:

25 (a) That the employing broker has read the Decision and Order of the
26 Commissioner which granted the right to a restricted license; and

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

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

13 **7. COLLINS shall, within six (6) months from the issuance of the Order, take**
14 and pass the Professional Responsibility Examination administered by the Department, including
15 the payment of the appropriate examination fee. All licenses and licensing rights of COLLINS
16 shall be indefinitely suspended unless or until COLLINS passes the examination.

17 **8. All licenses and licensing rights of COLLINS are indefinitely suspended**
18 unless or until COLLINS provides proof satisfactory to the Commissioner, of having taken and
19 successfully completed the continuing education course on trust fund accounting and handling
20 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
21 Code. Proof of satisfaction of this requirement includes evidence that COLLINS has
22 successfully completed the trust fund account and handling continuing education course, no
23 earlier than 120 days prior to the effective date of the Decision and Order in this matter. Proof of
24 completion of this continuing education course must be delivered to the Department, Flag
25 Section, at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8943 prior to
26 the effective date of this Decision and Order.

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1 III. AS TO SUNSHINE

2 All licenses and licensing rights of SUNSHINE, under the Real Estate Law are
3 revoked; provided, however, a restricted corporate real estate broker license shall be issued to
4 SUNSHINE, pursuant to Section 10156.5 of the Code, if SUNSHINE makes application
5 therefore and pays to the Department the appropriate fee for the restricted license within 90 days
6 from the effective date of this Stipulation. The restricted license issued to SUNSHINE shall be
7 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
8 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

9 1. The restricted license issued to SUNSHINE may be suspended prior to
10 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
11 SUNSHINE has violated provisions of the California Real Estate Law, the Subdivided Lands
12 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

13 2. SUNSHINE shall not be eligible to apply for the issuance of any
14 unrestricted real estate license nor the removal of any of the conditions, limitations, or
15 restrictions of a restricted license until four (4) years have elapsed from the effective date of this
16 Stipulation. SUNSHINE shall not be eligible to apply for any unrestricted licenses until all
17 restrictions attaching to the license have been removed.

18 IV. AS TO ALL RESPONDENTS

19 1. All licenses and licensing rights of Respondents are indefinitely suspended
20 unless or until Respondents, jointly and severally, pay the sum of \$2,493.00 for the
21 Commissioner's reasonable costs of the investigation and enforcement which led to this
22 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
23 made payable to the Department. The investigative and enforcement costs must be delivered
24 to the Department, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
25 effective date of this Order.

26 2. Respondents shall jointly and severally pay the sum of \$7,638.00 for the
27 Commissioner's cost of the audit which led to this disciplinary action. Respondents shall


1 jointly and severally pay such cost within sixty (60) days of receiving an invoice therefore
2 from the Commissioner. The Commissioner shall indefinitely suspend all licenses and
3 licensing rights of Respondents pending a hearing held in accordance with Section 11500, et
4 seq., of the Government Code, if payment is not timely made as provided for herein, or as
5 provided for in a subsequent agreement between Respondents and the Commissioner. The
6 suspension(s) shall remain in effect until payment is made in full or until Respondents enter
7 into an agreement satisfactory to the Commissioner to provide for payment, or until a decision
8 providing otherwise is adopted following a hearing held pursuant to this condition.

9 V. AS TO COLLINS and SUNSHINE

10 COLLINS and SUNSHINE shall jointly and severally pay the Commissioner's
11 costs, not to exceed \$9,547.50, of any audit conducted pursuant to Section 10148 of the Code
12 to determine if COLLINS and SUNSHINE corrected the violations described in the
13 Determination of Issues, above, and any other violations found in the audit which led to this
14 disciplinary action. In calculating the amount of the Commissioner's reasonable cost, the
15 Commissioner may use the estimated average hourly salary for all persons performing audits of
16 real estate brokers, and shall include an allocation for travel time to and from the auditor's
17 place of work. COLLINS and SUNSHINE shall jointly and severally pay such cost within
18 sixty (60) days of receiving an invoice therefore from the Commissioner detailing the activities
19 performed during the audit and the amount of time spent performing those activities. If
20 COLLINS and SUNSHINE fail to jointly and severally pay such cost within the sixty (60)
21 days, the Commissioner shall indefinitely suspend all licenses and licensing rights of
22 COLLINS and SUNSHINE under the Real Estate Law until payment is made in full or until
23 COLLINS and SUNSHINE enter into an agreement satisfactory to the Commissioner to
24 provide for payment. Upon full payment, the indefinite suspension provided for in this
25 paragraph shall be stayed.

26 DATED

9-16-19


27 JASON D. LAZARK, Counsel
Department of Real Estate

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7/31/19

DATED



GREG HAMILTON COLLINS,
Respondent

7/31/19

DATED

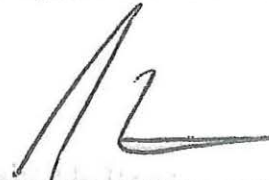


GREG HAMILTON COLLINS,
as an officer of Respondent
SUNSHINE REAL ESTATE
SOLUTIONS, INC.

*I have reviewed this Stipulation and Order as to form and content and have
advised my clients accordingly.*

8/5/19

DATED



JOSHUA A. ROSENTHAL,
Attorney for Respondents GREG
HAMILTON COLLINS, and
SUNSHINE REAL ESTATE
SOLUTIONS, INC.

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 15 2019.

IT IS SO ORDERED October 16, 2019.

ACTING REAL ESTATE COMMISSIONER


DANIEL J. SANDRI