

1 DEPARTMENT OF REAL ESTATE OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670

FILED

JAN 07 2020

DEPARTMENT OF REAL ESTATE

By H. Krapp

8 BEFORE THE DEPARTMENT OF REAL ESTATE OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: ) Case No. H-12324 SF  
12 )  
13 HEMPHILL VENTURES, INC., ) STIPULATION AND AGREEMENT  
and GEOFFREY CURTIS DAVIS, JR., ) IN SETTLEMENT AND ORDER  
14 )  
15 Respondents. )

16 It is hereby stipulated by and between Respondents HEMPHILL VENTURES  
17 INC. ("HEMPHILL"), acting by and through counsel Jonathan H. Rose, and GEOFFREY  
18 CURTIS DAVIS, JR. ("DAVIS"), acting pro per, and the Complainant, acting by and through  
19 Jason D. Lazark, Counsel for the Department of Real Estate ("Department"), as follows for the  
20 purpose of settling and disposing of the Accusation filed on May 16, 2019, in this matter:

21 1. All issues which were to be contested and all evidence which was to be  
22 presented by Complainant and Respondents 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. Respondents have received, read and understand the Statements to  
27 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department

1 in this proceeding.

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

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

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

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

25           7. Respondents understand that by agreeing to this Stipulation and Agreement,  
26 Respondents agree to be responsible for jointly and severally paying, pursuant to Section 10106  
27 of the Code, the costs of the investigation and enforcement of this case which resulted in the

1 determination that Respondents committed the violation(s) found in the Determination of Issues.  
2 The amount of such investigative and enforcement costs is \$1,818.90.

3 8. Respondents further understands that by agreeing to this Stipulation and  
4 Agreement, Respondents agrees to be responsible for jointly and severally paying, pursuant to  
5 Section 10148 of the California Business and Professions Code ("the Code"), the costs of the  
6 audit which resulted in the determination that Respondents committed the trust fund violation(s)  
7 found in the Determination of Issues. The amount of such costs audit costs is \$2,173.98.

8 9. Respondents further understand that by agreeing to this Stipulation and  
9 Agreement, the findings set forth below in the Determination of Issues become final, and that the  
10 Commissioner may charge Respondent for the costs of any audit conducted pursuant to Section  
11 10148 of the Code to determine if the violations have been corrected and hold Respondents  
12 jointly and severally responsible for paying the costs of the follow-up audit. The maximum  
13 costs of said follow-up audit shall not exceed \$2,717.48.

#### 14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and waivers, and solely for  
16 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
17 that the following determination of issues shall be made:

#### 18 I.

19 The acts and omissions of HEMPHILL, as described in the Accusation, are  
20 grounds for the suspension or revocation of the licenses and license rights of HEMPHILL under  
21 the provisions of Sections 10085, 10085.5, 10145, 10145(g), 10146, 10176(g), 10177(d),  
22 10177(e), and 10177(g) of the Code, and Sections 2831.1, 2831.2, 2970, and 2972 of Title 10,  
23 California Code of Regulations ("the Regulations").

#### 24 II.

25 The acts and omissions of DAVIS, as described in the Accusation, are grounds for  
26 the suspension or revocation of the licenses and license rights of DAVIS under the provisions of  
27 Sections 10085, 10085.5, 10145, 10145(g), 10146, 10159.2, 10176(g), 10177(d), 10177(e),

1 10177(g), and 10177(h) of the Code, and Sections 2725, 2831.1, 2832.1, 2970, and 2972 of Title  
2 10 of the Regulations.

3 ORDER

4 I. AS TO HEMPHILL

5 All licenses and licensing rights of HEMPHILL under the Real Estate Law are  
6 suspended for a period of one hundred twenty (120) days from the effective date of this Order;  
7 provided, however, that:

8 1. Sixty (60) days of said suspension shall be stayed upon the condition that  
9 HEMPHILL petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty  
10 pursuant to Section 10175.2 of the Code, at a rate of \$50 for each day of the suspension, for a  
11 total monetary penalty of \$3,000.

12 a. Said payment shall be in the form of a cashier's check made payable to  
13 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,  
14 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this  
15 Order.

16 b. No further cause for disciplinary action against the real estate license  
17 of HEMPHILL occurs within two (2) years from the effective date of the Order in this matter.

18 c. If HEMPHILL fails to pay the monetary penalty in accordance with  
19 the terms and conditions of the Decision, the Commissioner may, without a hearing, order the  
20 immediate execution of all or any part of the stayed suspension, in which event, HEMPHILL  
21 shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the  
22 Department under the terms of this decision.

23 d. If HEMPHILL pays the monetary penalty, and if no further cause for  
24 disciplinary action against the real estate license of HEMPHILL occurs within two (2) years  
25 from the effective date of the Decision herein, then the stay hereby granted shall become  
26 permanent.

27

1 2. The remaining sixty (60) days of said suspension shall also be stayed for two  
2 (2) years upon the following terms and conditions:

3 a. HEMPHILL shall obey all laws, rules and regulations governing the  
4 rights, duties and responsibilities of a real estate licensee in the State of California, and

5 b. That no final subsequent determination be made, after hearing or  
6 upon stipulation, that cause for disciplinary action occurred within two (2) years from the  
7 effective date of this Order. Should such a determination be made, the Commissioner may, in  
8 his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
9 suspension. Should no such determination be made, the stay imposed herein shall become  
10 permanent.

11 **II. AS TO DAVIS**

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

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

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

25 (b) The restricted license issued to DAVIS shall be suspended prior to hearing  
26 by Order of the Commissioner on evidence satisfactory to the  
27 Commissioner that DAVIS has violated provisions of the California Real

1 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate  
2 Commissioner, or conditions attaching to the restricted license.

3 3. Respondent recently agreed to accept a three (3) year period of restriction in  
4 Department Case No. H-12260 SF. Respondent hereby agrees to accept an additional three (3)  
5 year period of restriction in the present case Department Case No. H-12324 SF. The three (3)  
6 year period of restriction imposed by the Department in Department Case No. H-12324 SF shall  
7 run consecutively with the three (3) year period of restriction imposed by the Department in  
8 Department Case No. H-12260 SF. Therefore, DAVIS shall not be eligible to apply for the  
9 issuance of an unrestricted real estate license nor for removal of any of the conditions,  
10 limitations, or restrictions of a restricted license until six (6) years have elapsed from November  
11 15, 2019.

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

18 5. DAVIS shall, within nine (9) months from the effective date of this Order,  
19 present evidence satisfactory to the Commissioner that DAVIS has, since the most recent  
20 issuance of an original or renewal real estate license, taken and successfully completed the  
21 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
22 of a real estate license. If DAVIS fails to satisfy this condition, DAVIS' real estate license shall  
23 automatically be suspended until DAVIS presents evidence satisfactory to the Commissioner of  
24 having taken and successfully completed the continuing education requirements. Proof of  
25 completion of the continuing education course must be delivered to the Department, Flag Section  
26 at P.O. Box 137013, Sacramento, CA 95813-7013. DAVIS is also required to complete this  
27 provision regarding continuing education in Department Case No. H-12260 SF. Therefore, if

1 DAVIS completes the continuing education requirements ordered pursuant to Department Case  
2 No. H-12260 SF within nine (9) months of the effective date in Department Case No. H-12324  
3 SF, this provision (section 5) of the Order in Department Case No. H-12324 SF shall be satisfied.

4 IV. AS TO HEMPHILL and DAVIS

5 1. All licenses and licensing rights of Respondents are indefinitely suspended  
6 unless or until Respondents, jointly and severally, pay the sum of \$1,818.90 for the  
7 Commissioner's reasonable costs of the investigation and enforcement which led to this  
8 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
9 made payable to the Department. The investigative and enforcement costs must be delivered  
10 to the Department, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the  
11 effective date of this Order.

12 2. Respondents shall jointly and severally pay the sum of \$2,173.98 for the  
13 Commissioner's cost of the audit which led to this disciplinary action. Respondents shall  
14 jointly and severally pay such cost within sixty (60) days of receiving an invoice therefore  
15 from the Commissioner. The Commissioner shall indefinitely suspend all licenses and  
16 licensing rights of Respondents pending a hearing held in accordance with Section 11500, et  
17 seq., of the Government Code, if payment is not timely made as provided for herein, or as  
18 provided for in a subsequent agreement between Respondents and the Commissioner. The  
19 suspension(s) shall remain in effect until payment is made in full or until Respondents enter  
20 into an agreement satisfactory to the Commissioner to provide for payment, or until a decision  
21 providing otherwise is adopted following a hearing held pursuant to this condition.

22 3. Respondents shall jointly and severally pay the Commissioner's costs, not to  
23 exceed \$2,717.48, of any audit conducted pursuant to Section 10148 of the Code to determine  
24 if Respondents corrected the violations described in the Determination of Issues, above, and  
25 any other violations found in the audit which led to this disciplinary action. In calculating the  
26 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
27 average hourly salary for all persons performing audits of real estate brokers, and shall include

1 an allocation for travel time to and from the auditor's place of work. Respondents shall jointly  
2 and severally pay such cost within sixty (60) days of receiving an invoice therefore from the  
3 Commissioner detailing the activities performed during the audit and the amount of time spent  
4 performing those activities. If Respondents fail to jointly and severally pay such cost within  
5 the sixty (60) days, the Commissioner shall indefinitely suspend all licenses and licensing  
6 rights of Respondents under the Real Estate Law until payment is made in full or until  
7 Respondents enter into an agreement satisfactory to the Commissioner to provide for payment.  
8 Upon full payment, the indefinite suspension provided for in this paragraph shall be stayed.  
9

10  
11  
12 DATED

10-31-19

  
13 JASON D. LAZARK, Counsel  
14 Department of Real Estate of Real Estate

15 \* \* \*

16 Respondents have read the Stipulation and Agreement in Settlement and Order  
17 and its terms are understood by Respondents and are agreeable and acceptable to Respondents.  
18 Respondents understand that Respondents are waiving rights given to them by the California  
19 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and  
20 11513 of the Government Code), and willingly, intelligently, and voluntarily waive those  
21 rights, including the right of requiring the Commissioner to prove the allegations in the First  
22 Amended Accusation at a hearing at which Respondents would have the right to cross-examine  
23 witnesses against me and to present evidence in defense and mitigation of the charges.

24 Respondents further agree to send the original signed Stipulation and  
25 Agreement by mail to the following address no later than one (1) week from the date the  
26 Stipulation and Agreement is signed by Respondents: *Department of Real Estate of Real*  
27 *Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondents



1 understand and agree that if they fail to return the original signed Stipulation and Agreement  
2 by the due date, Complainant retains the right to set this matter for hearing.

3  
4 10/31/2019

5 DATED

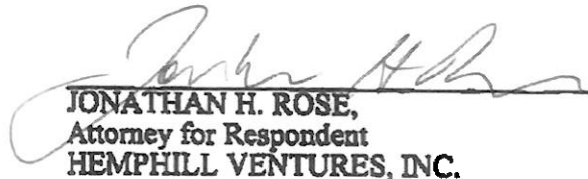


6 CHAPIN ANTHONY HEMPHILL,  
7 as an officer of Respondent  
8 HEMPHILL VENTURES, INC.

9 I have reviewed this Stipulation and Order as to form and content and have  
10 advised my clients <sup>JHR</sup> accordingly.

11 10/31/2019

12 DATED



13 JONATHAN H. ROSE,  
14 Attorney for Respondent  
15 HEMPHILL VENTURES, INC.

16 DATED

17 GEOFFREY CURTIS DAVIS  
18 Respondent

19 \*\*\*

20 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
21 this matter and shall become effective at 12 o'clock noon on \_\_\_\_\_

22 IT IS SO ORDERED \_\_\_\_\_

23 ACTING REAL ESTATE COMMISSIONER

24  
25  
26 DANIEL J. SANDRI  
27

1 understand and agree that if they fail to return the original signed Stipulation and Agreement  
2 by the due date, Complainant retains the right to set this matter for hearing.  
3  
4

5 \_\_\_\_\_  
DATED

\_\_\_\_\_ CHAPIN ANTHONY HEMPHILL,  
as an officer of Respondent  
HEMPHILL VENTURES, INC.

7  
8 *I have reviewed this Stipulation and Order as to form and content and have*  
9 *advised my clients accordingly.*  
10

11 \_\_\_\_\_  
DATED

\_\_\_\_\_ JONATHAN H. ROSE,  
Attorney for Respondent  
HEMPHILL VENTURES, INC.

14 10-30-2019  
15 \_\_\_\_\_  
DATED

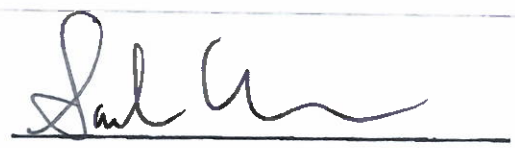
\_\_\_\_\_   
GEOFFREY CURTIS DAVIS  
Respondent

18 \* \* \*

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
20 this matter and shall become effective at 12 o'clock noon on JAN 28 2020

21 IT IS SO ORDERED 12/27/19

22 SANDRA KNAU  
23 ACTING REAL ESTATE COMMISSIONER

24 \_\_\_\_\_  
25   
26 \_\_\_\_\_  
27