

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

FILED

JUN 21 2022

DEPARTMENT OF REAL ESTATE

By B. Nicholas

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 CYNTHIA GREELY,)

13 Respondent.)

No. H-12555 SF

STIPULATION AND
AGREEMENT

14 It is hereby stipulated by and between CYNTHIA GREELY (Respondent), and
15 the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real
16 Estate (Department), as follows for the purpose of settling and disposing of the Accusation
17 (Accusation) filed on September 24, 2021, in this matter:

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

23 2. Respondent has received, read, and understands the Statement to
24 Respondent, and the Discovery Provisions of the APA filed by the Department in this
25 proceeding.
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1 3. Respondent 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 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
 4 acknowledges that Respondent understands that by withdrawing said Notice of Defense
 5 Respondent will thereby waive Respondent's 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 Respondent will waive other rights afforded
 8 to Respondent in connection with the hearing such as the right to present evidence in defense of
 9 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, Respondent chooses 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 Respondent's 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
 19 Department, the state or federal government, an agency of this state, or an agency of another state
 20 is involved.

21 6. Respondent understands that by agreeing to this Stipulation and
 22 Agreement, the findings set forth below in the Determination of Issues become final, and that
 23 the Commissioner may charge said Respondent for the costs of any audit conducted pursuant to
 24 Section 10148 of the Code to determine if the violations have been corrected. The maximum
 25 costs of said audit shall not exceed \$4,984.85.

26 7. It is understood by the parties that the Commissioner may adopt the
 27 Stipulation and Agreement as his decision in this matter thereby imposing the penalty and

1 sanctions on the real estate licenses and license rights of Respondent as set forth in the below
2 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
3 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
4 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
5 any admission or waiver made herein.

6 8. The Order or any subsequent Order of the Commissioner made pursuant to
7 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
8 administrative or civil proceedings by the Department with respect to any matters which were not
9 specifically alleged to be causes for action in Accusation H-12555 SF.

10 * * *

11 DETERMINATION OF ISSUES

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

15 I

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

19 As to Paragraph 8(a), under Section 10177(d) of the Code in conjunction with
20 Section 10145 of the Code and Section 2831.2 of the Regulations;

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

23 As to Paragraph 8(c), under Section 10177(d) of the Code in conjunction with
24 Section 10145 of the Code and Section 2832 of the Regulations; and

25 As to Paragraph 8(d), under Section 10177(d) of the Code in conjunction with
26 Section 10145 of the Code and Section 2834 of the Regulations.

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ORDER

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

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

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

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for removal of any of the conditions, limitations, or restrictions of a restricted license until four (4) years have elapsed from the effective date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the license have been removed.

4. Respondent shall, within nine (9) months from the effective date of this Decision and Order, present evidence satisfactory to the Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,

1 Respondent's real estate license shall automatically be suspended until Respondent presents
 2 evidence satisfactory to the Commissioner of having taken and successfully completed the
 3 continuing education requirements. Proof of completion of the continuing education courses
 4 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
 5 Sacramento, CA 95813-7013.

6 5. Respondent shall not engage in or perform any property management
 7 activities, under her individual broker license, as the designated officer of a real estate
 8 corporation, and/or as a broker associate under another brokerage, during the period Respondent
 9 holds a restricted license.

10 6. Pursuant to Section 10148 of the Code, Respondent shall pay the
 11 Commissioner's reasonable cost, not to exceed \$4,984.85, for an audit to determine if
 12 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating
 13 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
 14 average hourly salary for all persons performing audits of real estate brokers, and shall include an
 15 allocation for travel time to and from the auditor's place of work. Respondent shall pay such
 16 costs within 120 days of receiving an invoice therefore from the Commissioner. Payment of the
 17 audit costs should not be made until Respondent receives the invoice. If Respondent fails to
 18 satisfy this condition in a timely manner as provided for herein, Respondent's real estate license
 19 shall automatically be suspended until payment is made in full, or until a decision providing
 20 otherwise is adopted following a hearing held pursuant to this condition.

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

1 fund accounting and handling course must be delivered to the Department of Real Estate, Flag
2 Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the
3 effective date.

4
5 2-June-22

6 DATED



7 TRULY SUGHRUE
8 Counsel for Complainant

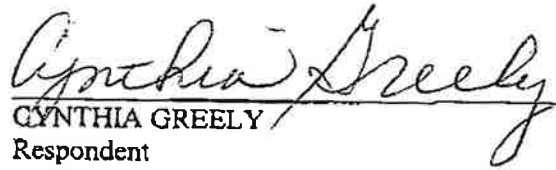
9 * * *

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

17 Respondent and Respondent's attorney further agree to send the original signed
18 Stipulation and Agreement by mail to the following address no later than one (1) week from the
19 date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:
20 *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-*
21 *7007.* Respondent and Respondent's attorney understand and agree that if they fail to return the
22 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
23 this matter for hearing.

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25 5-23-2022

26 DATED


27 CYNTHIA GREELY
Respondent

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

5-23-2022
DATED

Fredric Lewis Webster
FREDRIC LEWIS WEBSTER
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on JUL 12 2022

IT IS SO ORDERED CE. 17.22

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley