

1 Department of Real Estate  
320 West Fourth Street, #350  
2 Los Angeles, California 90013

3 (213) 576-6982  
4 (213) 576-6907

**FILED**  
JUN 29 2005  
DEPARTMENT OF REAL ESTATE

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

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ANTHONY GERARD ROCK, ) DRE No. H-31302 LA  
14 ) OAH No. L-2004110066  
15 ) STIPULATION AND AGREEMENT  
16 Respondent. )

17 It is hereby stipulated by and between ANTHONY GERARD  
18 ROCK, Respondent, represented by Allan H. Stokke, Esq., and the  
19 Complainant, acting by and through Martha J. Rosett, Counsel  
20 for the Department of Real Estate, as follows for the purpose  
21 of settling and disposing of the Accusation filed on  
22 September 16, 2004 in this matter:

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and  
25 Respondent at a formal hearing on the Accusation, which hearing  
26 was to be held in accordance with the provisions of the  
27 Administrative Procedure Act (APA), shall instead and in place

1 thereof be submitted solely on the basis of the provisions of  
2 this Stipulation and Agreement.

3           2. Respondent has received, read and understands the  
4 Statement to Respondent, the Discovery Provisions of the APA  
5 and the Accusation filed by the Department of Real Estate in  
6 this proceeding.

7           3. On October 15, 2004, Respondent filed a Notice of  
8 Defense pursuant to Section 11506 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. In order to effectuate this settlement, Respondent  
11 hereby freely and voluntarily withdraws said Notice of Defense.  
12 Respondent acknowledges that he understands that by withdrawing  
13 said Notice of Defense, he will thereby waive his right to  
14 require the Commissioner to prove the allegations in the  
15 Accusation at a contested hearing held in accordance with the  
16 provisions of the APA and that he will waive other rights  
17 afforded to him in connection with the hearing such as the  
18 right to present evidence in defense of the allegations in the  
19 Accusation and the right to cross-examine witnesses.

20           4. Respondent, pursuant to the limitations set forth  
21 below, although not admitting or denying the truth of the  
22 allegations, will not contest the factual allegations contained  
23 in the Accusation filed in this proceeding and the Real Estate  
24 Commissioner shall not be required to provide further evidence  
25 of such allegations.

26           5. It is understood by the parties that the Real  
27 Estate Commissioner may adopt the Stipulation and Agreement as

1 his Decision in this matter, thereby imposing the penalty and  
2 sanctions on Respondent's real estate license and license  
3 rights as set forth in the below "Order." In the event that  
4 the Commissioner in his discretion does not adopt the  
5 Stipulation and Agreement, it shall be void and of no effect,  
6 and Respondent shall retain the right to a hearing and  
7 proceeding on the Accusation under all the provisions of the  
8 APA and shall not be bound by any stipulation or waiver made  
9 herein.

10           6. The Order or any subsequent Order of the Real  
11 Estate Commissioner made pursuant to this Stipulation and  
12 Agreement shall not constitute an estoppel, merger or bar to  
13 any further administrative proceedings by the Department of  
14 Real Estate with respect to any matters which were not  
15 specifically alleged to be causes for accusation in this  
16 proceeding.

17           7. The admissions herein, and Respondent's decision  
18 not to contest the Accusation, are made solely for the purpose  
19 of reaching an agreed disposition of this proceeding and are  
20 expressly limited to this proceeding, and any other proceeding  
21 or case in which the Department of Real Estate or another  
22 licensing agency of this state, another state, or if the  
23 federal government is involved, and otherwise shall not be  
24 admissible in any other criminal or civil proceedings.

25 //  
26 //  
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1 Commissioner in the event of Respondent's conviction or plea of  
2 nolo contendere to a crime which is substantially related to  
3 Respondent's fitness or capacity as a real estate licensee.

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

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

15           4. Respondent shall submit with any application for  
16 license under an employing broker, or any application for  
17 transfer to a new employing broker, a statement signed by the  
18 prospective employing real estate broker on a form approved by  
19 the Department of Real Estate which shall certify:

20           (a) That the employing broker has read the Decision  
21 of the Commissioner which granted the right to a  
22 restricted license; and

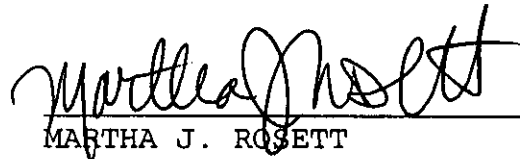
23           (b) That the employing broker will exercise close  
24 supervision over the performance by the restricted  
25 licensee relating to the activities for which a real  
26 estate license is required.

27

1                   5. Respondent shall, within nine months from the  
2 effective date of this Decision, present evidence satisfactory  
3 to the Real Estate Commissioner that Respondent has, since the  
4 most recent issuance of an original or renewal real estate  
5 license, taken and successfully completed the continuing  
6 education requirements of Article 2.5 of Chapter 3 of the Real  
7 Estate Law for renewal of a real estate license. If Respondent  
8 fails to satisfy this condition, the Commissioner may order the  
9 suspension of the restricted license until the Respondent  
10 presents such evidence. The Commissioner shall afford  
11 Respondent the opportunity for a hearing pursuant to the  
12 Administrative Procedure Act to present such evidence.

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14  
15 DATED:

6/21/05



MARTHA J. ROSETT  
Counsel for Complainant

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17 \* \* \*

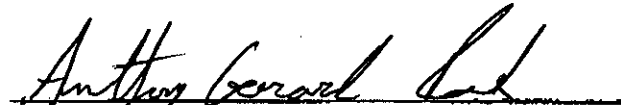
18                   I have read the Stipulation and Agreement, have  
19 discussed it with my counsel, and its terms are understood by  
20 me and are agreeable and acceptable to me. I understand that I  
21 am waiving rights given to me by the California Administrative  
22 Procedure Act (including but not limited to Sections 11506,  
23 11508, 11509 and 11513 of the Government Code), and I  
24 willingly, intelligently and voluntarily waive those rights,  
25 including the right of requiring the Commissioner to prove the  
26 allegations in the Accusation at a hearing at which I would  
27

1 have the right to cross-examine witnesses against me and to  
2 present evidence in defense and mitigation of the charges.

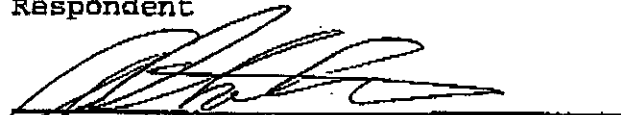
3 Respondent may signify acceptance and approval of the  
4 terms and conditions of this Stipulation and Agreement by faxing  
5 a copy of its signature page, as actually signed by Respondent,  
6 to the Department at the following fax number (213) 576-6917.

7 Respondent agrees, acknowledges and understands that by  
8 electronically sending to the Department a fax copy of his actual  
9 signature as it appears on the Stipulation, that receipt of the  
10 faxed copy by the Department shall be as binding on Respondent as  
11 if the Department had received the original signed Stipulation  
12 and Agreement.

13 DATED: 6-1-05

  
14 ANTHONY GERARD ROCK  
15 Respondent

16 DATED: 6-1-05

  
17 ALLAN H. STOKKE, ESQ.  
18 Attorney for Respondent

19 \* \* \*

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

23 IT IS SO ORDERED \_\_\_\_\_

24 JEFF DAVI  
25 Real Estate Commissioner

1 have the right to cross-examine witnesses against me and to  
2 present evidence in defense and mitigation of the charges.

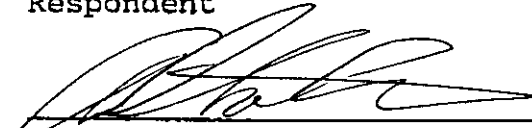
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11 if the Department had received the original signed Stipulation  
12 and Agreement.

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_  
ANTHONY GERARD ROCK  
Respondent

15  
16 DATED: 6-1-05

  
\_\_\_\_\_  
ALLAN H. STOKKE, ESQ.  
Attorney for Respondent

17  
18  
19 \* \* \*

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21 adopted as my Decision in this matter and shall become  
22 effective at 12 o'clock noon on \_\_\_\_\_.

23 IT IS SO ORDERED \_\_\_\_\_

24 JEFF DAVI  
25 Real Estate Commissioner  
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27 \_\_\_\_\_



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11 if the Department had received the original signed Stipulation  
12 and Agreement.

13

14 DATED: \_\_\_\_\_

ANTHONY GERARD ROCK  
Respondent

15

16 DATED: \_\_\_\_\_

ALLAN H. STOKKE, ESQ.  
Attorney for Respondent

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\* \* \*

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The foregoing Stipulation and Agreement is hereby  
21 adopted as my Decision in this matter and shall become  
22 effective at 12 o'clock noon on July 19, 2005.

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IT IS SO ORDERED

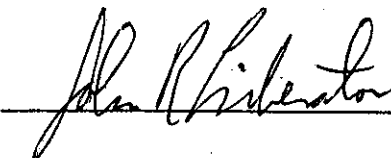
June 27, 2005

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JEFF DAVI  
Real Estate Commissioner

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BY: John R. Liberator  
Chief Deputy Commissioner

572

**BEFORE THE DEPARTMENT OF REAL ESTATE**  
**STATE OF CALIFORNIA**

In the Matter of the Accusation of )  
 )  
 **ANTHONY GERARD ROCK,** )  
 )  
 \_\_\_\_\_ )  
 Respondent(s)

Case No. **H-31302 LA**

OAH No. L-2004110066

**FILE**  
FEB - 2 2005  
DEPARTMENT OF REAL ESTATE

**NOTICE OF CONTINUED HEARING ON ACCUSATION**

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on **THURSDAY, MARCH 17, 2005**, at the hour of **1:30 P.M.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: February 2, 2005

By

  
MARTHA J. ROSETT, Counsel

cc: Anthony Gerard Rock  
Allan H. Stokke, Esq.  
John Paul Rock  
Sacto.  
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
 ANTHONY GERARD ROCK, )  
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 \_\_\_\_\_ )  
 Respondent (s)

Case No. H-31302 LA

OAH No. L-2004110066

**FILED**  
DEC 7 2004  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, FEBRUARY 25, 2005, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

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The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: December 7, 2004

By

MARtha J. ROsett  
MARTHA J. ROSETT, Counsel

cc: Anthony Gerard Rock  
Allan H. Stokke, Esq.  
John Paul Rock  
✓ Sacto.  
OAH



1 (Part 1 of Division 4 of the Business and Professions Code,  
2 hereinafter "Code"). At all times mentioned herein, Respondent  
3 was licensed as a real estate salesperson. Respondent was first  
4 licensed by the Department on or about June 1, 1995.

5 3.

6 On or about April 28, 2003, Respondent submitted a  
7 license renewal application. In response to Question 3 of his  
8 renewal application for a license to wit: "WITHIN THE PAST FOUR  
9 YEAR PERIOD, HAVE YOU EVER BEEN CONVICTED OF ANY VIOLATION OF  
10 LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION 1203.4 MUST  
11 BE DISCLOSED. HOWEVER, YOU MAY ONLY OMIT MINOR TRAFFIC CITATIONS  
12 WHICH DO NOT CONSTITUTE A MISDEMEANOR OR FELONY OFFENSE.",  
13 Respondent answered "Yes", but failed to disclose the conviction  
14 set forth in Paragraph 4 below.

15 4.

16 On or about May 8, 2000, in the Superior Court of  
17 California, County of Orange, in case number 99SM63852,  
18 Respondent was convicted of violating Penal Code Section 240  
19 (Assault), a crime which by its circumstances involved moral  
20 turpitude and which is substantially related to the  
21 qualifications, functions and duties of a real estate licensee  
22 pursuant to Regulation 2910(a)(8) of Title 10, Chapter 6 of the  
23 California Code of Regulations (hereinafter "Regulations").  
24 Respondent was placed on probation for three years, the terms of  
25 which included a restitution fine of \$100.00 and completion of an  
26 anger management program.

27 ///

1 5.

2 On or about July 24, 2002, in the Superior Court of  
3 California, County of Orange, in case number SH02SM02018,  
4 Respondent was convicted of violating Penal Code Sections 415(1)  
5 (Fight in Public Place) and 415(3) (Disturb the Peace-Offensive  
6 Words), crimes which by their facts and circumstances involve  
7 moral turpitude and are substantially related to the  
8 qualifications, functions and duties of a real estate licensee  
9 pursuant to Regulations 2910(a)(8) and(10). Respondent was  
10 sentenced to three years informal probation, the terms of which  
11 included a restitution fine of \$250.00 and completion of a 10-  
12 week anger management program.

13 6.

14 Respondent's conviction, as set forth in Paragraph 5  
15 above, constitutes grounds to suspend or revoke Respondent's real  
16 estate license and license rights pursuant to Code Sections  
17 10177(b) and 490.

18 7.

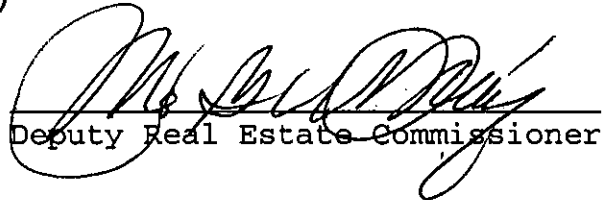
19 Respondent's failure to disclose the conviction set  
20 forth in Paragraph 4 constitutes cause under Code Sections 498  
21 and 10177(a) for the suspension or revocation of Respondent's  
22 real estate license and license rights under the Real Estate Law.

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1           WHEREFORE, the Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and/or license rights of Respondent  
5 ANTHONY GERARD ROCK under the Real Estate Law and for such other  
6 and further relief as may be proper under applicable provisions  
7 of law.

8 Dated at Los Angeles, California

9 this 8<sup>th</sup> day of August, 2004.

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12 Deputy Real Estate Commissioner  
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23 cc: Anthony Gerard Rock  
24 John Paul Rock  
25 Sacto.  
26 Maria Suarez  
27 JL