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2 Department of Real Estate
3 320 W. 4TH Street, Suite 350
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982 (Office)
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FILED
NOV 30 2006
DEPARTMENT OF REAL ESTATE

By Elliott Mac Lennan

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-32352 LA
)	L-2006060295
12 CENTURY 21 BUTLER REALTY INC.,)	
13 a corporation; and CHARLES BAILEY)	<u>STIPULATION</u>
14 BUTLER, individually and as)	<u>AND</u>
15 designated officer of Century 21)	<u>AGREEMENT</u>
16 Butler Realty Inc. and)	
17 SYLVIA BUTLER,)	
)	
)	
18 Respondents.)	

18 It is hereby stipulated by and between Respondents
19 CENTURY 21 BUTLER REALTY INC., a corporate real estate broker,
20 and CHARLES BAILEY BUTLER, individually and as designated officer
21 of CENTURY 21 BUTLER REALTY INC. and SYLVIA BUTLER (sometimes
22 collectively referred to as "Respondents"), represented by Jerome
23 Zamos, Esq. and the Complainant, acting by and through Elliott
24 Mac Lennan, Counsel for the Department of Real Estate, as follows
25 for the purpose of settling and disposing of the Accusation
26 ("Accusation") filed on December 20, 2005, in this matter:
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1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act ("APA"), shall instead and in place thereof be
6 submitted solely on the basis of the provisions of this
7 Stipulation and Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the APA and
10 the Accusation filed by the Department of Real Estate in this
11 proceeding.

12 3. Respondents timely filed a Notice of Defense
13 pursuant to Section 11506 of the Government Code for the purpose
14 of requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notice of
16 Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notice of Defense they thereby waive their right
18 to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the APA and that they will waive other rights
21 afforded to them in connection with the hearing such as the right
22 to present evidence in their defense the right to cross-examine
23 witnesses.
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25 4. This Stipulation is based on the factual
26 allegations contained in the Accusation. In the interest of
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1 expedience and economy, Respondents choose not to contest these
2 allegations, but to remain silent and understand that, as a
3 result thereof, these factual allegations, without being admitted
4 or denied, will serve as a prima facie basis for the disciplinary
5 action stipulated to herein. The Real Estate Commissioner shall
6 not be required to provide further evidence to prove said factual
7 allegations.

8 5. This Stipulation and Respondents decision not to
9 contest the Accusation is made for the purpose of reaching an
10 agreed disposition of this proceeding and is expressly limited to
11 this proceeding and any other proceeding or case in which the
12 Department of Real Estate ("Department"), the state or federal
13 government, or any agency of this state, another state or federal
14 government is involved, and otherwise shall not be admissible in
15 any other criminal or civil proceedings.
16

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt this Stipulation as his Decision in
19 this matter thereby imposing the penalty and sanctions on
20 Respondents' real estate licenses and license rights as set forth
21 in the "Order" herein below. In the event that the Commissioner
22 in his discretion does not adopt the Stipulation, it shall be
23 void and of no effect and Respondents shall retain the right to a
24 hearing and proceeding on the Accusation under the provisions of
25 the APA and shall not be bound by any stipulation or waiver made
26 herein.
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2 7. The Order or any subsequent Order of the Real
3 Estate Commissioner made pursuant to this Stipulation shall not
4 constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real
6 Estate with respect to any matters which were not specifically
7 alleged to be causes for Accusation in this proceeding but do
8 constitute a bar, estoppel and merger as to any allegations
9 actually contained in the Accusations against Respondent herein.

10 8. Respondents CENTURY 21 BUTLER REALTY INC. and
11 CHARLES BAILEY BUTLER understand that by agreeing to this
12 Stipulation, they agree to pay, pursuant to Business and
13 Professions Code Section 10148, the cost of audit (LA040043,
14 LA040045, LA040046) which led to this disciplinary action. The
15 amount of said cost for the audit is \$4,513.24.

16
17 9. Respondents CENTURY 21 BUTLER REALTY INC. and
18 CHARLES BAILEY BUTLER have received, read, and understand the
19 "Notice Concerning Costs of Subsequent Audit". Respondents
20 CENTURY 21 BUTLER REALTY INC. and CHARLES BAILEY BUTLER further
21 understand that by agreeing to this Stipulation, the findings set
22 forth below in the Determination of Issues become final, and the
23 Commissioner may charge Respondents for the cost of any
24 subsequent audit conducted pursuant to Business and Professions
25 Code Section 10148 to determine if the violations have been
26 corrected. The maximum cost of the subsequent audit will not
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1 exceed \$4,513.24.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing, it is stipulated and agreed
4 that the following determination of issues shall be made:

5 I.

6 The conduct, acts or omissions of CENTURY 21 BUTLER
7 REALTY INC., and CHARLES BAILEY BUTLER, as described in Paragraph
8 4, above, is in violation of Sections 10145 and 10240 of the
9 Business and Professions Code ("Code") and Sections 2731, 2831,
10 2831.2, 2832.1, 2835 and 2840 of Title 10, Chapter 6 of the
11 California Code of Regulations ("Regulations") and is a basis for
12 the suspension or revocation of Respondent's license and license
13 rights as a violation of the Real Estate Law pursuant to Code
14 Section 10177(g).

15 II.

16 The conduct, acts or omissions of CHARLES BAILEY
17 BUTLER, as described in Paragraph 4, above, is in violation of
18 Code Sections 10145 and 10240 and Regulations 2731, 2831, 2831.2,
19 2832.1, 2835 and 2840 of Title 10, Chapter 6 of the California
20 Code of Regulations ("Regulations") and is a basis for the
21 suspension or revocation of Respondent's license and license
22 rights as a violation of the Real Estate Law pursuant to Code
23 Section 10177(g).

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III.

1
2 The conduct, acts or omissions of CHARLES BAILEY
3 BUTLER, as described in Paragraph 4, constitutes a failure to
4 keep Century 21 Butler Realty Inc. in compliance with the Real
5 Estate Law during the time that he was the officer designated by
6 a corporate broker licensee, in violation of Code Section
7 10159.2. This conduct is a basis for the suspension or
8 revocation of Respondent's license pursuant to Code Section
9 10177(h).

10 IV.

11 The conduct, acts or omissions of SYLVIA BUTLER, as
12 described in Paragraph 4, constitute negligence. This conduct is
13 a basis for the suspension or revocation of Respondent's license
14 pursuant to Code Section 10177(g).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:
17

18 I.

19 All licenses and licensing rights of Respondent CENTURY
20 21 BUTLER REALTY INC. under the Real Estate Law suspended for a
21 period of ninety (90) days from the effective date of this
22 Decision; provided, however, that if Respondent requests, the
23 initial thirty (30) days of said suspension (or a portion
24 thereof) shall be stayed for two (2) years upon condition that:

25 1. Respondent pays a monetary penalty pursuant to
26 Section 10175.2 of the Business and Professions Code at the rate
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1 of \$150 per day for each day of the suspension for a total
2 monetary penalty of \$4,500.

3 2. Said payment shall be in the form of a cashier's
4 check or certified check made payable to the Recovery Account of
5 the Real Estate Fund. Said check must be received by the
6 Department prior to the effective date of the Decision in this
7 matter.

8 3. No further cause for disciplinary action against
9 the real estate license of Respondent occurs within two (2) years
10 from the effective date of the Decision in this matter.

11 4. If Respondent fails to pay the monetary penalty in
12 accordance with the terms of the Decision, the Commissioner may,
13 without a hearing, order the immediate execution of all or any
14 part of the stayed suspension, in which event the Respondent
15 shall not be entitled to any repayment nor credit, prorated or
16 otherwise, for money paid to the Department under the terms of
17 this Decision.

18 5. If Respondent pays the monetary penalty and if no
19 further cause for disciplinary action against the real estate
20 license of Respondent occurs within two (2) years from the
21 effective date of the Decision, the stay hereby granted shall
22 become permanent

23 6. The remaining sixty (60) days of the ninety (90)
24 day suspension shall be stayed for two (2) years upon the
25 following terms and conditions:
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1 (a) Respondent shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

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

12 II.

13 All licenses and licensing rights of Respondent CHARLES
14 BAILEY BUTLER under the Real Estate Law suspended for a period of
15 ninety (90) days from the effective date of this Decision;
16 provided, however, that if Respondent requests, the initial
17 thirty (30) days of said suspension (or a portion thereof) shall
18 be stayed for two (2) years upon condition that:

19 1. Respondent pays a monetary penalty pursuant to
20 Section 10175.2 of the Business and Professions Code at the rate
21 of \$133.33 per day for each day of the suspension for a total
22 monetary penalty of \$4,000.

23 2. Said payment shall be in the form of a cashier's
24 check or certified check made payable to the Recovery Account of
25 the Real Estate Fund. Said check must be received by the
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1 Department prior to the effective date of the Decision in this
2 matter.

3 3. No further cause for disciplinary action against
4 the real estate license of Respondent occurs within two (2) years
5 from the effective date of the Decision in this matter.

6 4. If Respondent fails to pay the monetary penalty in
7 accordance with the terms of the Decision, the Commissioner may,
8 without a hearing, order the immediate execution of all or any
9 part of the stayed suspension, in which event the Respondent
10 shall not be entitled to any repayment nor credit, prorated or
11 otherwise, for money paid to the Department under the terms of
12 this Decision.

13 5. If Respondent pays the monetary penalty and if no
14 further cause for disciplinary action against the real estate
15 license of Respondent occurs within two (2) years from the
16 effective date of the Decision, the stay hereby granted shall
17 become permanent

18 6. The remaining sixty (60) days of the ninety (90)
19 day suspension shall be stayed for two (2) years upon the
20 following terms and conditions:

21 (a) Respondent shall obey all laws, rules and
22 regulations governing the rights, duties and responsibilities of
23 a real estate licensee in the State of California; and

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

7 III.

8 All licenses and licensing rights of Respondent
9 CHARLES BAILEY BUTLER, are indefinitely suspended unless or
10 until Respondent provides proof satisfactory to the
11 Commissioner, of having taken and successfully completed the
12 continuing education course on trust fund accounting and
13 handling specified in paragraph (3) of subdivision (a) of
14 Section 10170.5 of the Business and Professions Code. Proof of
15 satisfaction of this requirement includes evidence that
16 respondent has successfully completed the trust fund account and
17 handling continuing education course within 120 days prior to
18 the effective date of the Decision in this matter.

19 IV.

20
21 Respondent CHARLES BAILEY BUTLER shall within six (6)
22 months from the effective date of the Decision herein, take and
23 pass the Professional Responsibility Examination administered by
24 the Department including the payment of the appropriate
25 examination fee. If Respondent fails to satisfy this condition,
26
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1 the Commissioner may order suspension of Respondent's license
2 until Respondent passes the examination.

3 V.

4 Pursuant to Section 10148 of the Business and
5 Professions Code, Respondents CENTURY 21 BUTLER REALTY INC. and
6 CHARLES BAILEY BUTLER, shall pay the Commissioner's reasonable
7 cost for (a) the audit which led to this disciplinary action (b)
8 a subsequent audit to determine if Respondents are now in
9 compliance with the Real Estate Law. The cost of the audit which
10 led to this disciplinary action is \$4,513.24. In calculating the
11 amount of the Commissioner's reasonable cost, the Commissioner
12 may use the estimated average hourly salary for all persons
13 performing audits of real estate brokers, and shall include an
14 allocation for travel time to and from the auditor's place of
15 work. Said amount for the prior and subsequent audits shall not
16 exceed \$9,026.48.

17
18 Said Respondents shall pay such cost within 60 days of
19 receiving an invoice from the Commissioner detailing the
20 activities performed during the audit and the amount of time
21 spent performing those activities.

22 The Commissioner may suspend the license of Respondents
23 pending a hearing held in accordance with Section 11500, et seq.,
24 of the Government Code, if payment is not timely made as provided
25 for herein, or as provided for in a subsequent agreement between
26 the Respondent and the Commissioner. The suspension shall remain
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1 in effect until payment is made in full or until Respondents
2 enters into an agreement satisfactory to the Commissioner to
3 provide for payment, or until a decision providing otherwise is
4 adopted following a hearing held pursuant to this condition.

5 VI.

6 Respondent SYLVIA BUTLER is publicly reprovod.

7
8 DATED:

11-03-06

EL

9 ELLIOTT MAC LENNAN, Counsel for
10 the Department of Real Estate

11 * * *

12 EXECUTION OF THE STIPULATION

13 We have read the Stipulation and discussed it with our
14 counsel. Its terms are understood by us and are agreeable and
15 acceptable to us. We understand that we are waiving rights given
16 to us by the California Administrative Procedure Act (including
17 but not limited to Sections 11506, 11508, 11509 and 11513 of the
18 Government Code), and we willingly, intelligently and voluntarily
19 waive those rights, including the right of requiring the
20 Commissioner to prove the allegations in the Accusation at a
21 hearing at which we would have the right to cross-examine
22 witnesses against us and to present evidence in defense and
23 mitigation of the charges.

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1 Respondents can signify acceptance and approval of the
2 terms and conditions of this Stipulation by faxing a copy of its
3 signature page, as actually signed by Respondents, to the
4 Department at the following telephone/fax number: Elliott Mac
5 Lennan at (213) 576-6917. Respondents agree, acknowledge and
6 understand that by electronically sending to the Department a fax
7 copy of Respondents' actual signature as they appear on the
8 Stipulation, that receipt of the faxed copy by the Department
9 shall be as binding on Respondents as if the Department had
10 received the original signed Stipulation.

11
12 DATED: 11-03-06

Charles B. Butler
CENTURY 21 BUTLER REALTY INC., a
corporate real estate broker,
BY: CHARLES BAILEY BUTLER, D.O.,
Respondent

13
14
15
16 DATED: 11-03-06

Charles B. Butler
CHARLES BAILEY BUTLER, individually
and as designated officer of
Century 21 Butler Realty Inc.,
Respondent

17
18
19
20 DATED: 11-03-06

Sylvia Butler
SYLVIA BUTLER, Respondent

21
22
23 DATED: 11-03-06

Jerome Zamos
JEROME ZAMOS, ESQ.
Attorney for Respondents
Approved as to form

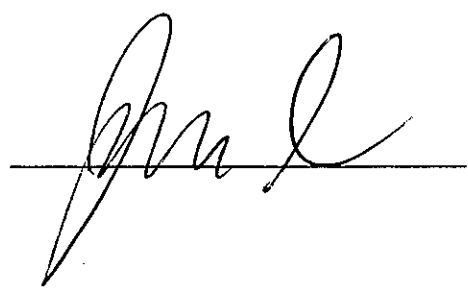
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondents CENTURY 21 BUTLER REALTY
INC., CHARLES BAILEY BUTLER and SYLVIA BUTLER, individually and
as designated officer of Century 21 Butler Realty, and shall
become effective at 12 o'clock noon on JAN - 2 2007

IT IS SO ORDERED 11-26, 2006.

JEFF DAVI
Real Estate Commissioner



Maria Suarez

FILED
DEC 20 2005
DEPARTMENT OF REAL ESTATE

By *K. Wiedersholz*

1 ELLIOTT MAC LENNAN, Counsel
2 State Bar No. 66674
3 Department of Real Estate
4 320 West Fourth Street, Suite 350
5 Los Angeles, California 90013-1105
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(213) 576-6911

BEFORE THE DEPARTMENT OF REALTY

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) H- 32352 LA
)
CENTURY 21 BUTLER REALTY INC.,)
and CHARLES BAILEY BUTLER) A C C U S A T I O N
individually and as designated)
officer of Century 21 Butler)
Real Estate Inc., and SYLVIA BUTLER,)
)
Respondents.)
)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against BUTLER REALTY INC., and CHARLES BAILEY BUTLER,
individually and as designated officer of Century 21 Butler
Realty Inc., and SYLVIA BUTLER, is informed and alleges as
follows:

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1.

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California makes this Accusation in her official capacity.

2.

All references to the "Code" are to the California Business and Professions Code and all references to "Regulations" are to Title 10, Chapter 6, California Code of Regulations.

3.

CENTURY 21 BUTLER REALTY INC., (hereinafter "CBRI") and CHARLES BAILEY BUTLER, individually and as designated officer of Butler Realty Inc., (hereinafter "CHARLES BUTLER") and SYLVIA BUTLER (hereinafter "SYLVIA BUTLER") (sometimes hereinafter collectively referred to as Respondents) are presently licensed or have license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter "Code").

LICENSE HISTORY OF RESPONDENTS

4.

A. CENTURY 21 BUTLER REALTY INC. At all times material herein, CBRI was licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a corporate real estate broker by and through CHARLES BUTLER, as the designated officer and broker responsible, pursuant to Code

1 Section 10159.2 of the Business and Professions Code for
2 supervising the activities requiring a real estate license
3 conducted on behalf CBRI by CBRI's officers, agents and
4 employees. CBRI was originally licensed on May 17, 1979.

5 B. CHARLES BAILEY BUTLER was originally licensed as a
6 real estate broker on March 7, 1979.

7 C. SYLVIA BUTLER was originally licensed on August 8,
8 1979, as a real estate salesperson. From August 22, 2003, to
9 date, SYLVIA BUTLER has been employed by CBRI.

10 5.

11 All further references to "Respondents", unless
12 otherwise specified, includes the parties identified in
13 Paragraphs 3 and 4, above, and also includes the officers,
14 directors, managers, employees, agents and/or real estate
15 licensees employed by or associated with said parties, who at
16 all times material herein were engaged in the furtherance of the
17 business or operations of said parties and who were acting
18 within the course and scope of their authority, agency, or
19 employment.
20

21 6.

22 At all times material herein, Respondent CBRI engaged
23 in the business as a real estate broker as follows:

24 A. Code Section 10131(a) of the Code. CBRI operated a
25 residential property resale brokerage;
26
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1 B. Code Section 10131(b) of the Code. CBRI operated a
2 property management brokerage; and

3 C. Code Section 10131(d) of the Code. CBRI operated a
4 mortgage loan brokerage.

5 7.

6 On September 15, 2004, the Department completed an
7 audit examination of the books and records of CBRI pertaining to
8 its residential resale property and broker-escrow activities,
9 requiring a real estate license as described in Paragraph 4.
10 The audit examination covered a period of time beginning
11 December 1, 2002 to July 7, 2004. The audit examination
12 revealed violations of the Code and the Regulations as set forth
13 below, and more fully discussed in Audit Report LA 040043, LA
14 040045 and LA 040046 and the exhibits and workpapers attached to
15 said audit report.

16 8.

17 At all times material herein, in connection with the
18 activities described in Paragraph 6, above, Respondents CBRI,
19 CHARLES BUTLER and SYLVIA BUTLER accepted or received funds
20 including funds in trust (hereinafter "trust funds") from or on
21 behalf of actual or prospective parties to transactions handled
22 by Respondents CBRI, CHARLES BUTLER and SYLVIA BUTLER and
23 thereafter made deposits and or disbursements of such funds.
24 From time to time herein mentioned during the audit period, said
25 trust funds were deposited and/or maintained by Respondents
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1 CBRI, CHARLES BUTLER and SYLVIA BUTLER in the bank account as
2 follows:

3 "Century 21 Butler Realty Inc. Trust Account" ("trust account")
4 Account No. 1127661"
5 Santa Barbara Bank & Trust
6 Santa Barbara, California

7 9.

8 In the course of activities described in Paragraphs 6
9 and 8, above, and during the examination period described in
10 Paragraph 7, Respondents CBRI, CHARLES BUTLER and/or SYLVIA
11 BUTLER, acted in violation of the Code and the Regulations in
12 that:

13 (a) Respondents CBRI, CHARLES BUTLER and/or SYLVIA
14 BUTLER represented to lender Washington Mutual and to sellers
15 Gustavo and Alba Granja for the real property located at 302 W.
16 Montecito St. Santa Barbara, California, that they had received
17 earnest money deposits per the written sales contracts, when in
18 fact they had not received they had not received said earnest
19 money deposits on the Montecito property, in violation of Code
20 Section 10176(a)..

21 (b) as of July 7, 2004, the trust account had a
22 shortage in the amount of approximately \$16,132.98. Respondents
23 CBRI and CHARLES BUTLER caused, permitted and/or allowed, the
24 withdrawal or disbursement of trust funds from the escrow trust
25 account, thereby reducing the balance of funds in the account to
26 an amount less than the aggregate trust fund liability of the
27 broker to all owners of the trust funds without prior written

1 consent of every principal who then was an owner of funds in the
2 account, in violation of Code Section 10145 and Regulation
3 2832.1. The shortage was cured during the audit.

4 (c) Respondents CBRI and CHARLES BUTLER failed to
5 maintain an adequate control record in the form of a columnar
6 record in chronological order of all trust funds received,
7 deposited into, and disbursed from the trust account, in
8 violation of Code Section 10145 and Regulation 2831. Earnest
9 money deposits received from buyers Lazaro and Cavalli were
10 received by CBRI, CHARLES BUTLER and SYLVIA BUTLER, but not
11 recorded and/or not recorded accurately on a record of trust
12 funds received but not deposited into a trust account.

13 (d) CBRI and CHARLES BUTLER failed to perform a
14 monthly reconciliation of the balance of all separate
15 beneficiary or transaction records maintained pursuant to
16 Regulation 2831.1 with the record of all trust funds received
17 and disbursed by the trust account, as required by Code Section
18 10145 and Regulation 2831.2.

19 (e) CBRI and CHARLES BUTLER failed to disburse from
20 the trust account, broker's fees totaling \$287.02, in violation
21 of Code Section 10145 and Regulation 2835. The aforesaid fees
22 were not disbursed within twenty-five (25) days of deposit, as
23 required by Regulation 2835.

24 (f) CBRI and CHARLES BUTLER failed to provide and/or
25 maintain a statement in writing containing all the information
26
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1 required by Section 10241 of the Code to borrower Roth before
2 Roth became obligated to perform under the terms of their loans.
3 This omission is a violation of Code Section 10240 and
4 Regulation 2840.

5 (g) CBRI and CHARLES BUTLER used the fictitious name
6 of "Century 21 Butler Realty" to conduct broker-controlled
7 escrow activities by placing said unlicensed name on the trust
8 account, without holding a license bearing this fictitious
9 business name, in violation of Code Section 10159.5 and
10 Regulation 2731. This violation was corrected during the audit.

11 10.

12 The conduct, acts and omissions of Respondents
13 CBRI, CHARLES BUTLER and/or SYLVIA BUTLER, as described in
14 Paragraph 9, above, violated the Code and the Regulations as set
15 forth below:

17 <u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
18 9(a)	Code Section 10176(a) 19 (All Respondents)
20 9(b)	Code Section 10145 21 and Regulation 2832.1, (CBRI and CHARLES BUTLER)
22 9(c)	Code Section 10145 23 and Regulation 2831 (All Respondents)
24 9(d)	Code Section 10145 25 and Regulation 2831.2, 26 (CBRI and CHARLES BUTLER)
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9(e)

Code Section 10145
and Regulation 2835
(CBRI and CHARLES BUTLER)

9(f)

Code Section 10240
and Regulation 2840
(CBRI and CHARLES BUTLER)

9(g)

Code Section 10159.5
and Regulation 2731
(CBRI and CHARLES BUTLER)

Each of the foregoing violations constitutes cause for the suspension or revocation of all real estate licenses and license rights of Respondents CBRI, CHARLES BUTLER and SYLVIA BUTLER, under the provisions of Code Sections 10176(a), 10177(d) and/or 10177(g).

11.

The overall conduct, acts and/or omissions of CBRI, CHARLES BUTLER and SYLVIA BUTLER constitutes negligence, in violation of Code Section 10177(g).


12.

The overall conduct, acts and/or omissions of CHARLES BUTLER, in causing, allowing, or permitting CBRI to violate the Real Estate Law, as described, herein above, constitutes failure on the part of Respondent CHARLES BUTLER, as the officer designated by a corporate broker licensee, to exercise the reasonable supervision and control over the licensed activities of CBRI, as required by Code Section 10159.2. Said conduct is

1 cause to suspend or revoke the real estate licenses and license
2 rights of BUTLER pursuant to the provisions of Code Sections
3 10177(d), 10177(g) and 10177(h).

4 WHEREFORE, Complainant prays that a hearing be
5 conducted on the allegations made by the Accusation and, that
6 upon proof thereof, a decision be rendered imposing disciplinary
7 action against all licenses and license rights of Respondent
8 BUTLER REALTY INC., CHARLES BAILEY BUTLER, individually and as
9 designated officer of Century 21 Butler Realty Inc., and SYLVIA
10 BUTLER, under the Real Estate Law (Part 1 of Division 4 of the
11 Business and Professions Code) and for such other and further
12 relief as may be proper under other applicable provisions of
13 law.

14 Dated at Los Angeles, California *This 16th day of*
15 *December 2005*

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17 
18 Deputy Real Estate Commissioner

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24 cc: Century 21 Butler Realty Inc.
25 c/o Charles Bailey Butler
26 Maria Suarez
27 LA Audit Section - Vaughn Weaver
Sacto.
JN