

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4

FILED

SEP 11 2013

BUREAU OF REAL ESTATE

By James B. Demus

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8 **BEFORE THE BUREAU OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of)
12)
13)
14)
15)

ANITA MARIE MC GREGOR,
Respondent.

DRE No: H-38579 LA
OAH No: 2013010727

STIPULATION AND
AGREEMENT

16 It is hereby stipulated by and between ANITA MARIE MC GREGOR
17 (sometimes referred to herein as "Respondent"), represented in this matter by Mary E. Work,
18 Esq., and the Complainant, acting by and through James A. Demus, Counsel for the Bureau of
19 Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on
20 December 3, 2012 in this matter:

21 1. All issues which were to be contested and all evidence which was to be
22 presented by Complainant and Respondent 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.
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1 2. Respondent has received, read and understands the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of
3 Real Estate in this proceeding.

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

13 4. Respondent, pursuant to the limitations set forth below, although not
14 admitting or denying the truth of the allegations, will not contest the factual allegations
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall
16 not be required to provide further evidence of such allegations.

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

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

1 7. This Stipulation and Respondent’s decision not to contest the Accusation
2 are made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
3 limited to this proceeding and any other proceeding or case in which the Bureau of Real Estate
4 (“Bureau”), or another licensing agency of this state, another state, or of the federal government
5 is involved, and otherwise shall not be admissible in any other criminal or civil proceedings.

6 DETERMINATION OF ISSUES

7 By reason of the foregoing stipulations and waivers and solely for the purpose of
8 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
9 following Determination of Issues shall be made:

10 The conduct, acts or omissions of Respondent ANITA MARIE MC GREGOR,
11 as set forth in the Accusation, are in violation of Business and Professions Code (“Code”)
12 Sections 10130, 10159.5, 10162 and 10148 and constitute cause to suspend or revoke the real
13 estate license and licensing rights of Respondent ANITA MARIE MC GREGOR under the
14 provisions of Code Sections 10165 and 10177(d).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 I.

18 All licenses and licensing rights of Respondent ANITA MARIE MC GREGOR
19 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
20 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
21 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
22 fee for the restricted license within 90 days from the effective date of this Decision. The
23 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7
24 of the Business and Professions Code and to the following limitations, conditions and restrictions
25 imposed under authority of Section 10156.6 of that Code:

26 1. The restricted license issued to Respondent may be suspended prior to
27 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or

1 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
2 capacity as a real estate licensee.

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

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

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

20 II.

21 Respondent ANITA MARIE MC GREGOR shall within six (6) months from the
22 effective date of the Decision herein, take and pass the Professional Responsibility Examination
23 administered by the Bureau including the payment of the appropriate examination fee. If
24 Respondent fails to satisfy this condition, the Commissioner may order suspension of
25 Respondent's license until Respondent passes the examination.

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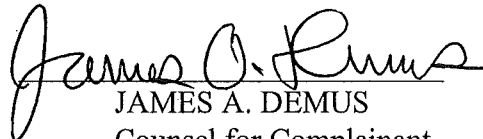
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1 III.

2 Pursuant to California Business and Professions Code Section 10106, Respondent
3 ANITA MARIE MC GREGOR shall pay the Commissioner's reasonable cost for investigation
4 and enforcement of the matter. The investigation and enforcement cost which led to this
5 disciplinary action is \$4,366.70. Said payment shall be made within sixty (60) days after the
6 effective date of this Decision.

7 The Commissioner may suspend the license of Respondent pending a hearing held
8 in accordance with California Government Code Section 11500, et seq., if payment is not timely
9 made as provided for herein, or as provided for in a subsequent agreement between the
10 Respondents and the Commissioner. The suspension shall remain in effect until payment is
11 made in full or until a Respondent enters into an agreement satisfactory to the Commissioner to
12 provide for payment, or until a decision providing otherwise is adopted following a hearing held
13 pursuant to this condition.

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16 DATED: 7/26/13


17 JAMES A. DEMUS
18 Counsel for Complainant

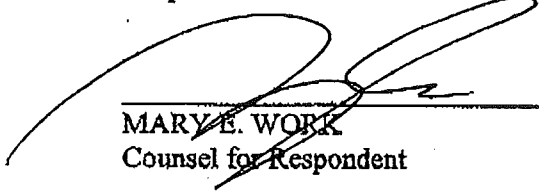
19 * * *

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

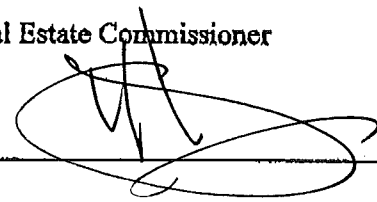
27 Respondent can signify acceptance and approval of the terms and conditions of

1 this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the
 2 Bureau at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondent
 3 agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of
 4 Respondent's actual signature, as it appears on the Stipulation, that receipt of the faxed copy by
 5 the Bureau shall be as binding on Respondent as if the Bureau had received the original signed
 6 Stipulation.

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 8 DATED: 7-25-2013 
 9 ANITA MARIE MC GREGOR
 Respondent

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 11 DATED: 7/26/13 
 12 MARY E. WORK
 Counsel for Respondent

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 15 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
 16 this matter and shall become effective at 12 o'clock noon on OCT 1 2013

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 18 IT IS SO ORDERED August 7, 2013
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 20 Real Estate Commissioner
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 23 By: JEFFREY MASON
 Chief Deputy Commissioner

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