

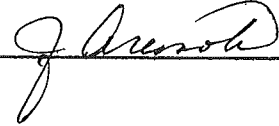
1 Bureau of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, California 90013-1105

**FILED**

MAY 15 2014

3  
4 (213) 576-6910

BUREAU OF REAL ESTATE

By 

8 BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11  
12 In the Matter of the Accusation of )  
13 MOIST REALTORS INC and LONNI DEE )  
14 GRANLUND, individually, and as )  
15 designated officer of Moist )  
16 Realtors Inc, )  
17 Respondents. )

Case No: H-38989 LA  
OAH No: 2013090241

STIPULATION AND  
AGREEMENT

18 It is hereby stipulated by and between Respondents  
19 MOIST REALTORS INC and LONNI DEE GRANLUND, represented by Frank  
20 M. Buda, Esq., and the Complainant, acting by and through James  
21 A. Demus, Counsel for the Bureau of Real Estate, as follows for  
22 the purpose of settling and disposing of the Accusation filed on  
23 August 6, 2013, in this matter:

24  
25 1. All issues which were to be contested and all  
26 evidence which was to be presented by Complainant and Respondents  
27 at a formal hearing on the Accusation, which hearing was to be

1 held in accordance with the provisions of the Administrative  
2 Procedure Act ("APA"), shall instead and in place thereof be  
3 submitted solely on the basis of the provisions of this  
4 Stipulation and Agreement ("Stipulation").

5           2. Respondents have received, read and understand the  
6 Statement to Respondent, the Discovery Provisions of the APA and  
7 the Accusation filed by the Bureau of Real Estate in this  
8 proceeding.

9           3. Respondents timely filed a Notice of Defense  
10 pursuant to Section 11506 of the Government Code for the purpose  
11 of requesting a hearing on the allegations in the Accusation.  
12 Respondents hereby freely and voluntarily withdraw said Notice of  
13 Defense. Respondents acknowledge that they understand that by  
14 withdrawing said Notice of Defense they thereby waive the right  
15 to require the Commissioner to prove the allegations in the  
16 Accusation at a contested hearing held in accordance with the  
17 provisions of the APA and that they will waive other rights  
18 afforded to them in connection with the hearing such as the right  
19 to present evidence in their defense of the allegations in the  
20 Accusation and the right to cross-examine witnesses.

21           4. This Stipulation is based on the factual  
22 allegations contained in the Accusation. In the interest of  
23 expedience and economy, Respondents choose not to contest these  
24 allegations, but to remain silent and understand that, as a  
25 result thereof, these factual allegations, without being admitted  
26 or denied, will serve as a prima facie basis for the disciplinary  
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1 action stipulated to herein. The Real Estate Commissioner shall.  
2 not be required to provide further evidence to prove said factual  
3 allegations.

4 5. This Stipulation is made for the purpose of  
5 reaching an agreed disposition of this proceeding and is  
6 expressly limited to this proceeding and any other proceeding or  
7 case in which the Bureau of Real Estate ("Bureau"), the state or  
8 federal government, or any agency of this state, another state or  
9 federal government is a party.

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

20 7. The Order or any subsequent Order of the Real  
21 Estate Commissioner made pursuant to this Stipulation shall not  
22 constitute an estoppel, merger or bar to any further  
23 administrative or civil proceedings by the Bureau of Real Estate  
24 with respect to any matters which were not specifically alleged  
25 to be causes for Accusation in this proceeding but do constitute  
26 a bar, estoppel and merger as to any allegations actually  
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1 contained in the Accusation against Respondents herein.

2           8. Respondents understand that by agreeing to this  
3 Stipulation, Respondents agree to pay, pursuant to Business and  
4 Professions Code Section 10148, the cost of the audit which led  
5 to this disciplinary action. The amount of said cost is  
6 \$8,073.90.

7           9. Respondents have received, read, and understand the  
8 "Notice Concerning Costs of Subsequent Audit." Respondents  
9 further understand that by agreeing to this Stipulation, the  
10 findings set forth below in the Determination of Issues become  
11 final, and the Commissioner may charge Respondents for the cost  
12 of any subsequent audit conducted pursuant to Business and  
13 Professions Code Section 10148 to determine if the violations  
14 have been corrected. The maximum cost of the subsequent audit  
15 will not exceed \$8,073.90.

16                                   DETERMINATION OF ISSUES

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

19           The conduct of MOIST REALTORS INC and LONNI DEE  
20 GRANLUND as described in Paragraph 4, hereinabove, is in  
21 violation of Business and Professions Code Sections 10145 and  
22 10159.5 and provides a basis for discipline of their licenses and  
23 license rights pursuant to Business and Professions Code Section  
24 10177(d).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

A.

All licenses and licensing rights of Respondent MOIST REALTORS INC under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension, shall be stayed for two (2) years upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

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

B.

Pursuant to Section 10148 of the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost for: a) the audit which led to this disciplinary action and b) a subsequent audit to determine if Respondent has

1 corrected the trust fund violations found in the Determination  
2 of Issues. In calculating the amount of the Commissioner's  
3 reasonable cost, the Commissioner may use the estimated average  
4 hourly salary for all persons performing audits of real estate  
5 brokers, and shall include an allocation for travel costs,  
6 including mileage, time to and from the auditor's place of work  
7 and per diem. Respondent shall pay such costs within 60 days of  
8 receiving an invoice from the Commissioner detailing the  
9 activities performed during the audit and the amount of time  
10 spent performing those activities. The Commissioner shall  
11 vacate and set aside the stay order, if payment is not timely  
12 made as provided for herein, or as provided for in a subsequent  
13 agreement between the Respondent and the Commissioner. The  
14 vacation and the set aside of the stay shall remain in effect  
15 until payment is made in full, or until Respondent enters into  
16 an agreement satisfactory to the Commissioner to provide for  
17 payment.

18 II.

19 A.

20 All licenses and licensing rights of Respondent LONNI  
21 DEE GRANLUND under the Real Estate Law are suspended for a  
22 period of sixty (60) days from the effective date of this  
23 Decision; provided, however, that sixty (60) days of said  
24 suspension, shall be stayed for two (2) years upon the following  
25 terms and conditions:  
26  
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1                   1. 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                   2. That no final subsequent determination be made,  
5 after hearing or upon stipulation that cause for disciplinary  
6 action occurred within two (2) years of 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                                   B.

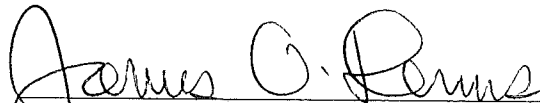
13                   Pursuant to Section 10148 of the Business and  
14 Professions Code, Respondent shall pay the Commissioner's  
15 reasonable cost for: a) the audit which led to this disciplinary  
16 action and b) a subsequent audit to determine if Respondent has  
17 corrected the trust fund violations found in the Determination  
18 of Issues. In calculating the amount of the Commissioner's  
19 reasonable cost, the Commissioner may use the estimated average  
20 hourly salary for all persons performing audits of real estate  
21 brokers, and shall include an allocation for travel costs,  
22 including mileage, time to and from the auditor's place of work  
23 and per diem. Respondent shall pay such costs within 60 days of  
24 receiving an invoice from the Commissioner detailing the  
25 activities performed during the audit and the amount of time  
26 spent performing those activities. The Commissioner shall  
27

1 vacate and set aside the stay order, if payment is not timely  
2 made as provided for herein, or as provided for in a subsequent  
3 agreement between the Respondent and the Commissioner. The  
4 vacation and the set aside of the stay shall remain in effect  
5 until payment is made in full, or until Respondent enters into  
6 an agreement satisfactory to the Commissioner to provide for  
7 payment.

8 C.

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

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22 DATED: 3/18/14

  
23 JAMES A. DEMUS, Counsel for  
the Bureau of Real Estate

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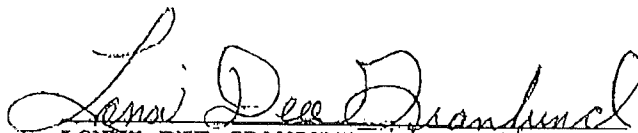
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EXECUTION OF THE STIPULATION

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

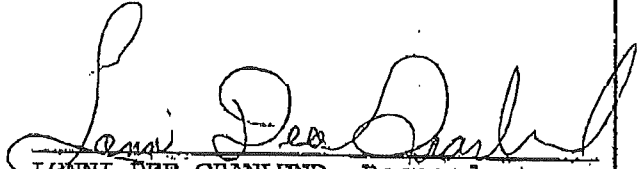
Respondents can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondents, to the Bureau at the following telephone/fax number: James A. Demus at (213) 576-6917. Respondents agree, acknowledge and understand that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

DATED: 3-13-14

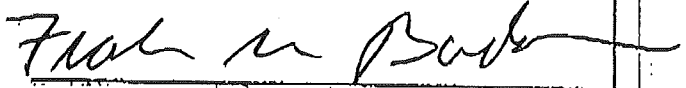
  
LONNI-DEE GRANLUND, as designated  
officer of MOIST REALTORS INC

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DATED: 3-13-14

  
LONNI DEE GRANLUND, Respondent

DATED: 3-13-14

  
FRANK M. BUDA  
Attorney for Respondents

\* \* \*

The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents MOIST REALTORS INC and  
LONNI DEE GRANLUND and shall become effective at 12 o'clock noon  
on JUN 05 2014, 2014.

IT IS SO ORDERED MAY 14 2014

Real Estate Commissioner



JEFFREY MASON  
Chief Deputy Commissioner