

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

FILED

MAR 30 2016

BUREAU OF REAL ESTATE

By Suzanne E. Butler

In the Matter of the Accusation of)	No. H-39752 LA
)	
REAL ESTATE WEST, INC.; ROBERT)	
WILLIAM SCHUMANN, as designated)	
officer of Real Estate West, Inc., and)	
<u>SUZANNE E. BUTLER,</u>)	
)	
Respondents.)	
_____)	

DECISION

This Decision pertains solely to Respondent SUZANNE E. BUTLER ("Respondent"), and is being issued in accordance with the provisions of California Government Code section 11520, on evidence of compliance with California Government Code section 11505 and pursuant to the Order of Default filed on March 15, 2016, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

Pursuant to California Government Code section 11521, the Bureau of Real Estate may order reconsideration of this Decision on petition of any party. The Bureau of Real Estate's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by California Government Code section 11522. A copy of California Government Code sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

1.

On February 11, 2015, Maria Suarez made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. On February 25, 2015, the Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to Respondent's last known mailing address on file with the Bureau of Real Estate. On or about March 20, 2015, Respondent submitted a Notice of Defense on Accusation.

2.

On April 8, 2015, the first Notice of Hearing on Accusation was mailed by regular mail to Respondent's address listed on her Notice of Defense. The Notice of Hearing on Accusation stated the hearing was on September 22-24, 2015 at 9:00 a.m. at the Office of Administrative Hearings, 320 West 4th St., Ste. 630, Los Angeles, CA 90013.

3.

On August 7, 2015, Complainant filed a Request for Continuance, and served a copy on Respondent. On August 21, 2015, the Office of Administrative Hearings granted Complainant's August 7, 2015 request for a continuance, and ordered the hearing commence on March 15, 2016 at 9:00 a.m. and proceed, until completed, through March 17, 2016.

4.

On September 2, 2015, the second Notice of Hearing on Accusation was mailed by regular mail to Respondent's address listed on her Notice of Defense. The Notice of Hearing on Accusation stated the hearing was on March 15-17, 2016 at 9:00 a.m. at the Office of Administrative Hearings, 320 West 4th St., Ste. 630, Los Angeles, CA 90013. On March 15, 2016, Respondent failed to appear at the hearing. Administrative Law Judge Laurie Pearlman found proper service was made on Respondent, and remanded the case to the Bureau of Real Estate.

5.

With Respondent having failed to appear at the file at the hearing on March 15, 2016, the Default Order was entered on March 15, 2016.

6.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate salesperson.

7.

From on or about May 16, 1997 through the present, Respondent dba Classic Property Management, Inc. engaged in activities requiring a broker license (ex., advertising and providing property management services for the public and collecting rents and security deposits) without first obtaining a broker license from the Bureau of Real Estate, in violation of California Business and Professions Code section 10130.

8.

The overall conduct of Respondent constitutes negligence and is cause for discipline of the real estate license and license rights of said Respondents pursuant to the provisions of California Business and Professions Code section 10177(g).

9.

The Bureau of Real Estate incurred \$2,352.40 in the costs of investigation and enforcement in this case.

DETERMINATION OF ISSUES

1.

The allegations set forth in Findings 1 through 7 above constitute cause under California Business and Professions Code sections 10130 and 10177(g) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

2.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

The license and license rights of Respondent SUZANNE E. BUTLER under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Order shall become effective at 12 o'clock noon on DEC 19 2016.

DATED: MARCH 29 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER

By: 
JEFFREY MASON
Chief Deputy Commissioner

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED
MAR 15 2016
BUREAU OF REAL ESTATE
By *Suzanne*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-39752 LA
)	
REAL ESTATE WEST, INC.; ROBERT)	
WILLIAM SCHUMANN, as designated)	
officer of Real Estate West, Inc., and)	
<u>SUZANNE E. BUTLER,</u>)	
)	
Respondents.)	
)	

DEFAULT ORDER

Respondent SUZANNE E. BUTLER, having failed to appear at the hearing on March 15, 2016 after being properly served a Notice of Hearing on Accusation, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED MARCH 15, 2016.

REAL ESTATE COMMISSIONER

By: *Philip J. Lee*
Regional Manager