

1 Bureau of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013  
4 Telephone: (213) 576-6982

**FILED**

**APR 07 2016**

**BUREAU OF REAL ESTATE**

By *Robert Reamer*

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 ) No. H-39752 LA  
13 REAL ESTATE WEST, INC.; ROBERT )  
14 WILLIAM SCHUMANN, as designated )  
15 officer of Real Estate West, Inc., and ) STIPULATION AND  
16 SUZANNE E. BUTLER, ) AGREEMENT  
17 Respondents. )

17 It is hereby stipulated by and between Respondents REAL ESTATE WEST, INC.  
18 (“REWI”) and ROBERT WILLIAM SCHUMANN (“SCHUMANN”), individually and as  
19 designated officer of Real Estate West, Inc., (collectively “Respondents”) both represented by  
20 Robert Reamer, Esq., and the Complainant, acting by and through Diane Lee, Counsel for the  
21 Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation  
22 (“Accusation”) filed on February 25, 2015, in this matter:

23 1. All issues which were to be contested and all evidence which were to be  
24 presented by Complainant and Respondents REWI and SCHUMANN at a formal hearing on the  
25 Accusation, which hearing was to be held in accordance with the provisions of the California  
26 Administrative Procedure Act (“APA”), shall instead and in place thereof be submitted solely on  
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1 the basis of the provisions of this Stipulation and Agreement (“Stipulation”).

2           2. Respondents REWI and SCHUMANN have received and read, and understand  
3 the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by  
4 the Bureau of Real Estate in this proceeding.

5           3. Respondents REWI and SCHUMANN filed Notices of Defense pursuant to  
6 California Government Code section 11506 for the purpose of requesting a hearing on the  
7 allegations in the Accusation. Respondents REWI and SCHUMANN hereby freely and  
8 voluntarily withdraw said Notices of Defense. Respondents REWI and SCHUMANN  
9 acknowledge that they understand that by withdrawing said Notices of Defense they thereby  
10 waive their right to require the Commissioner to prove the allegations in the Accusation at a  
11 contested hearing held in accordance with the provisions of the APA and that Respondents  
12 REWI and SCHUMANN will waive other rights afforded to them in connection with the hearing  
13 such as the right to present evidence in their defense and the right to cross-examine witnesses.

14           4. This Stipulation is based on the factual allegations contained in the Accusation.  
15 In the interest of expedience and economy, Respondents REWI and SCHUMANN choose not to  
16 contest these allegations, but to remain silent and understand that, as a result thereof, these  
17 factual allegations, without being admitted or denied, will serve as a prima facie basis for the  
18 disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to  
19 provide further evidence to prove said factual allegations.

20           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in  
22 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or  
23 another state or federal government is involved.

24           6. It is understood by the parties that the Real Estate Commissioner may adopt  
25 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on the  
26 real estate licenses and license rights of Respondents REWI and SCHUMANN as set forth in the  
27 below “Order.” In the event that the Commissioner in his discretion does not adopt this

1 Stipulation, it shall be void and of no effect, and Respondents REWI and SCHUMANN shall  
2 retain the right to a hearing and proceeding on the Accusation under the provisions of the APA  
3 and shall not be bound by this Stipulation herein.

4 7. The Order or any subsequent Order of the Real Estate Commissioner made  
5 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further  
6 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters  
7 which were not specifically alleged to be causes for Accusation in this proceeding, but do  
8 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in  
9 the Accusation against Respondents REWI and SCHUMANN herein.

10 8. Respondents REWI and SCHUMANN understand that by agreeing to this  
11 Stipulation, Respondents REWI and SCHUMANN agree to pay, pursuant to California Business  
12 and Professions Code section 10106, the cost of the investigation and enforcement. The amount  
13 of investigation and enforcement cost is \$1,773.90.

14 9. Respondents REWI and SCHUMANN understand that by agreeing to this  
15 Stipulation, Respondents REWI and SCHUMANN agree to pay, pursuant to California Business  
16 and Professions Code section 10148, the cost of the audit which led to this disciplinary action.  
17 The amount of said cost for the original audit (LA130134) is \$4,816.00.

18 10. Respondents REWI and SCHUMANN understand that by agreeing to this  
19 Stipulation, the findings set forth below in the Determination of Issues become final, and the  
20 Commissioner may charge Respondents REWI and SCHUMANN for the cost of any subsequent  
21 audit conducted pursuant to California Business and Professions Code section 10148 to  
22 determine if the violations have been corrected. The maximum cost of the subsequent audit will  
23 not exceed \$4,816.00.

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1 DETERMINATION OF ISSUES

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

4 The conduct, acts, or omissions of Respondents REAL ESTATE WEST, INC. and  
5 ROBERT WILLIAM SCHUMANN, as described in the Accusation and Paragraph 4, above, are  
6 in violation of California Business and Professions Code sections 10145, 10140.6(b), 10160,  
7 10176(d), 10177(g), and 10177(h); and Title 10, Chapter 6 of the California Code of Regulations,  
8 sections 2725, 2753, 2773, 2831, and 2832(d), and are a basis for discipline of Respondents'  
9 license and license rights as violation of the Real Estate Law pursuant to California Business and  
10 Professions Code section 10177(d), 10177(f), 10177(g), and 10177(h).

11  
12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14  
15 (SUSPENSION)

16 I.

17 All licenses and licensing rights of Respondents REAL ESTATE WEST, INC.  
18 and ROBERT WILLIAM SCHUMANN under the Real Estate Law are suspended for a period of  
19 thirty (30) days, from the effective date of this Decision and Order, provided, however, that:

20 A. Thirty (30) days of said suspension shall be stayed for two (2) years upon the  
21 following terms and conditions:

22 1. Respondents REWI and SCHUMANN shall obey all laws, rules, and  
23 regulations governing the rights, duties, and responsibilities of a real estate licensee in the State  
24 of California; and

25 2. That no final subsequent determination be made after hearing or upon  
26 stipulation, which cause for disciplinary action occurred within two (2) years from the effective  
27 date of this Decision and Order. Should such a determination be made, the Commissioner may,

1 in his discretion, vacate, and set aside the stay order and reimpose all or a portion of the stayed  
2 suspension. Should no such determination be made, the stay imposed herein shall become  
3 permanent.

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5 (INVESTIGATION AND ENFORCEMENT COSTS)

6 II.

7 All license and license rights of Respondents REWI and SCHUMANN are  
8 indefinitely suspended unless or until Respondents REWI and SCHUMANN, jointly and  
9 severally, pay the sum of \$1,773.90 for the Commissioner's reasonable cost for investigation and  
10 enforcement which led to this disciplinary action. Liability shall also be joint and several with  
11 Suzanne E. Butler if she agrees to a stipulation and that stipulation is adopted by the  
12 Commissioner. Said payment shall be in the form of a cashier's check made payable to the  
13 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau  
14 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the  
15 effective date of this Decision and Order.

16  
17 (AUDIT COSTS)

18 III.

19 Pursuant to California Business and Professions Code section 10148, Respondents  
20 REWI and SCHUMANN, jointly and severally, shall pay the sum of \$4,816.00 for the  
21 Commissioner's cost of the audit which led to this disciplinary action. Respondents REWI and  
22 SCHUMANN shall pay such cost within sixty (60) days of receiving an invoice therefore from  
23 the Commissioner. Payment of audit costs should not be made until Respondents REWI and/or  
24 SCHUMANN receives the invoice. If Respondents REWI and SCHUMANN fail to satisfy this  
25 condition in a timely manner as provided for herein, Respondents REWI and SCHUMANN's  
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1 real estate licenses shall automatically be suspended until payment is made in full, or until a  
2 decision providing otherwise is adopted following a hearing held pursuant to this condition.

3 Pursuant to California Business and Professions Code section 10148, Respondents  
4 REWI and SCHUMANN shall pay the Commissioner's reasonable cost, not to exceed \$4,816.00,  
5 for an audit to determine if Respondents REWI and SCHUMANN have corrected the violations  
6 found in the Determination of Issues. In calculating the amount of the Commissioner's  
7 reasonable costs, the Commissioner may use the estimated average hourly salary for all persons  
8 performing audits of real estate brokers, and shall include an allocation for travel time to and  
9 from the auditor's place of work. Respondents REWI and SCHUMANN shall pay such cost  
10 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the  
11 audit costs should not be made until Respondent(s) receive the invoice. If Respondents REWI  
12 and SCHUMANN fail to satisfy this condition in a timely manner as provided for herein,  
13 Respondents REWI and SCHUMANN's real estate licenses shall automatically be suspended  
14 until payment is made in full, or until a decision providing otherwise is adopted following a  
15 hearing held pursuant to this condition.

16  
17 (PROFESSIONAL RESPONSIBILITY EXAM)

18 IV.

19 Respondent SCHUMANN shall, within six (6) months from the effective date of  
20 this Decision and Order, take and pass the Professional Responsibility Examination administered  
21 by the Bureau of Real Estate including the payment of the appropriate examination fee. If  
22 Respondent SCHUMANN fails to satisfy this condition, Respondent SCHUMANN's real estate  
23 license shall automatically be suspended until Respondent SCHUMANN passes the examination.

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DATED: 03/10/2016

  
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DIANE LEE, Counsel for  
Bureau of Real Estate

\* \* \*

EXECUTION OF THE STIPULATION

I, ROBERT WILLIAM SCHUMANN, individually and as designated officer of Real Estate West, Inc., have read the Stipulation and discussed it with my attorney, Robert Reamer, Esq. Its terms are understood by me, and are agreeable and acceptable to me and REAL ESTATE WEST, INC. I understand that I am waiving rights given to me and REAL ESTATE WEST, INC. by the California APA (including, but not limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I, individually and as designated officer of Real Estate West, Inc., willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I, individually and as designated officer of Real Estate West, Inc., would have the right to cross-examine witnesses against me and REAL ESTATE WEST, INC. and to present evidence in defense and mitigation of the charges.

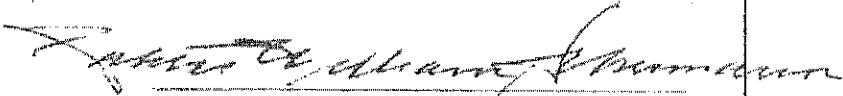
MAILING AND FACSIMILE


Respondents REWI and SCHUMANN (1) shall mail the original signed signature page of this Stipulation herein to Bureau of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondents REWI and SCHUMANN shall also (2) facsimile a copy of signed signature page, to the Bureau of Real Estate at the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.

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A facsimile constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondents REWI and SCHUMANN agree, acknowledge, and understand that by electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of Respondents REWI and SCHUMANN as it appear on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be as binding on Respondents REWI and SCHUMANN as if the Bureau of Real Estate had received the original signed Stipulation.

DATED: 3-7-16   
ROBERT WILLIAM SCHUMANN, individually  
and as designated officer of Real Estate West, Inc.

DATED: 3-7-16   
ROBERT REAMER, ESQ.  
Attorney for Respondents REAL ESTATE WEST,  
INC. and ROBERT WILLIAM SCHUMANN

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents REAL ESTATE WEST, INC. and ROBERT WILLIAM SCHUMANN, and shall become effective at 12 o'clock noon on \_\_\_\_\_, 2016.

IT IS SO ORDERED \_\_\_\_\_, 2016.  
WAYNE S. BELL  
REAL ESTATE COMMISSIONER



1 A facsimile constitutes acceptance and approval of the terms and conditions of  
2 this Stipulation. Respondents REWI and SCHUMANN agree, acknowledge, and understand that  
3 by electronically sending to the Bureau of Real Estate a facsimile copy of the actual signatures of  
4 Respondents REWI and SCHUMANN as it appear on the Stipulation that receipt of the facsimile  
5 copy by the Bureau of Real Estate shall be as binding on Respondents REWI and SCHUMANN  
6 as if the Bureau of Real Estate had received the original signed Stipulation.

7  
8 DATED: \_\_\_\_\_

\_\_\_\_\_  
9 ROBERT WILLIAM SCHUMANN, individually  
and as designated officer of Real Estate West, Inc.

10  
11 DATED: \_\_\_\_\_

\_\_\_\_\_  
12 ROBERT REAMER, ESQ.  
13 Attorney for Respondents REAL ESTATE WEST,  
INC. and ROBERT WILLIAM SCHUMANN

14 \* \* \*

15 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to  
16 Respondents REAL ESTATE WEST, INC. and ROBERT WILLIAM SCHUMANN, and shall  
17 become effective at 12 o'clock noon on MAR 17 2016 , 2016.

18  
19 IT IS SO ORDERED MARCH 28, 2016.

20 WAYNE S. BELL  
21 REAL ESTATE COMMISSIONER

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23 \_\_\_\_\_  
24 By: JEFFREY MASON  
25 Chief Deputy Commissioner  
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