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**FILED**

AUG 24 2023

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-41864 LA
	)	
ALLAN CHARLES MANN,	)	<u>STIPULATION AND AGREEMENT</u>
	)	
Respondent.	)	
_____	)	

It is hereby stipulated by and between Respondent ALLAN CHARLES MANN ("Respondent"), represented by Edward O. Lear, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on January 7, 2021, and the First Amended Accusation filed on July 13, 2022, ("Accusation") in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

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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 Department  
3 of Real Estate in this proceeding.

4                   3.       On January 25, 2021, Respondent filed a Notice of Defense pursuant to  
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said  
8 Notice of Defense. Respondent will thereby waive Respondent's right to require the Real Estate  
9 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested  
10 hearing held in accordance with the provisions of the APA and that Respondent will waive  
11 other rights afforded to Respondent in connection with the hearing such as the right to present  
12 evidence in defense of the allegations in the Accusation and the right to cross-examine  
13 witnesses.

14                   4.       Respondent, pursuant to the limitations set forth below, hereby admits  
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and  
16 the Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

1 DETERMINATION OF ISSUES

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

5 I.

6 The conduct, acts, and/or omissions of Respondent ALLAN CHARLES MANN,  
7 as described in the First Amended Accusation, constitute cause for the suspension or revocation  
8 of all real estate licenses and license rights of Respondent ALLAN CHARLES MANN under  
9 California Business and Professions Code (“Code”) sections 10177(d), 10177(g), and 10177(h)  
10 for violation of Code section 10145 and Title 10, Chapter 6, California Code of Regulations  
11 (“Regulations”) sections 2725, 2831, 2831.1, 2831.2, 2832, and 2832.1.

12 ORDER

13 I.

14 All licenses and licensing rights of Respondent ALLAN CHARLES MANN  
15 under the Real Estate Law are suspended for a period of thirty (30) days from the effective date  
16 of this Decision and Order; provided, however, that:

17 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon  
18 the following terms and conditions:

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

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1                   4.       All licenses and licensing rights of Respondent are indefinitely  
2 suspended unless or until Respondent pays the sum of \$7,643.76 for the Commissioner's cost  
3 of the audit which led to this disciplinary action pursuant to Code section 10148. Respondent  
4 shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
5 Commissioner. Said payment shall be in the form of a cashier's check made payable to the  
6 Department of Real Estate. The audit cost must be delivered to the Department of Real Estate,  
7 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

8                   5.       All licenses and licensing rights of Respondent are indefinitely  
9 suspended unless or until Respondent pays the sum of \$1,329.95 for the Commissioner's  
10 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
11 payment shall be in the form of a cashier's check made payable to the Department of Real  
12 Estate. The investigative and enforcement costs must be delivered to the Department of Real  
13 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective  
14 date of this Decision and Order.

15                   6.       Respondent shall pay the Commissioner's reasonable cost, not to exceed  
16 \$9,554.70, for any subsequent audit to determine if Respondent has corrected the violations  
17 found in the Determination of Issues. In calculating the amount of the Commissioner's  
18 reasonable cost, the Commissioner may use the estimated average hourly salary for all persons  
19 performing audits of real estate brokers, and shall include an allocation for travel time to and  
20 from the auditor's place of work. Respondent shall pay such cost within sixty (60) days of  
21 receiving an invoice therefore from the Commissioner. If Respondent fails to satisfy this  
22 condition in a timely manner as provided for herein, Respondent real estate licenses shall  
23 automatically be suspended until payment is made in full, or until a decision providing  
24 otherwise is adopted following a hearing held pursuant to this condition.

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26 DATED: 7/12/2023

  
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Steve Chu, Counsel  
Department of Real Estate



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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondent ALLAN CHARLES MANN, and shall become  
effective at 12 o'clock noon on 9/13/2023.

IT IS SO ORDERED 8.11.23

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

