

FILED

JUN 15 2023

DEPT. OF REAL ESTATE

By



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-42520 LA
)	
RL COMMUNITIES INC,)	STIPULATION AND AGREEMENT
doing business as Lafferty Communities, and)	
RICHARD SAMUEL LAFFERTY,)	
individually and as designated officer of)	
RL Communities Inc,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between Respondent RL COMMUNITIES INC and Respondent RICHARD SAMUEL LAFFERTY, represented by Douglas C. Straus, 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 February 10, 2023, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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”).

1 2. Respondents have received, read, and understand 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 February 22, 2023, Respondents filed Notices 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. Respondents hereby freely and voluntarily withdraw said Notices
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notices of Defense, Respondents will thereby waive Respondents' right to require the Real
9 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that Respondents will
11 waive other rights afforded to Respondents in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. On April 20, 2023, Respondents filed Notices of Intent to Request a
15 Formal Hearing for Citations Nos. C-4-23-0217-001 and C-4-23-0217-002. Respondents
16 hereby freely and voluntarily withdraw said Notices of Intent to Request a Formal Hearing.

17 5. Respondents, pursuant to the limitations set forth below, hereby admit
18 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
19 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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1 1. The restricted license issued to Respondent may be suspended prior to
2 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction,
3 plea of guilty, or plea of nolo contendere to a crime which is substantially related to
4 Respondent's fitness or capacity as a real estate licensee.

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

10 3. Respondent shall not be eligible to apply for the issuance of an
11 unrestricted real estate license, including designated officer or mortgage loan originator
12 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a
13 restricted license until five (5) years have elapsed from the effective date of this Decision and
14 Order. Respondent withdraws all pending license applications.

15 4. All licenses and licensing rights of Respondent RICHARD SAMUEL
16 LAFFERTY are indefinitely suspended unless or until Respondent RICHARD SAMUEL
17 LAFFERTY pays, jointly and severally with Respondent RL COMMUNITIES INC, the sum of
18 \$5,808.75 for the Commissioner's reasonable cost of the investigation and enforcement which
19 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
20 payable to the Department of Real Estate. The investigative and enforcement costs must be
21 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
22 Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by May 2, 2023; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.


DATED: 4/28/2023


RE-COMMUNITIES INC
Respondent

DATED: 4/28/2023


RICHARD SAMUEL LAFFERTY
Respondent

DATED: 4/28/2023


Douglas C. Straus
Counsel for Respondents
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent RL COMMUNITIES INC and Respondent
RICHARD SAMUEL LAFFERTY, and shall become effective at 12 o'clock noon on
7/5/2023.

IT IS SO ORDERED 6.1.23

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

