BUREAU OF REAL ESTATE
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FILED

NOV 19 2013

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CHRISTINE M. PAPWORTH, Respondent.	)))))	NO. H-2738 FR STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

It is hereby stipulated by and between Respondent CHRISTINE M. PAPWORTH (herein "Respondent"), by and through Tory E. Griffin, attorney of record herein for Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on April 24, 2012, 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 (herein "APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement in Settlement and Order.

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

3. A Notice of Defense was filed on May 9, 2012, by Respondent, pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges he understands that by withdrawing said Notice of Defense he will

thereby waive his right to require the Real Estate Commissioner (herein "the Commissioner") to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that he will waive other rights afforded to him in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations pertaining to him in the Accusation filed in this proceeding are true and correct, and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

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

6. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement in Settlement and Order shall not constitute an estoppel, merger, or bar to any further administrative or civil proceedings by the Bureau with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

7. Respondent further understands that by agreeing to this Stipulation and Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106(a) of the Code, investigative and enforcement costs which led to this disciplinary action. The amount of said cost is $4,363.73.

DETERMINATION OF ISSUES

The acts and omissions of Respondent as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent

under Sections 10085, 10145, and 10176(i), in conjunction with Section 10177(d) of the Code.

ORDER

A. All licenses and licensing rights of Respondent under the Real Estate Law are suspended until such time as Respondent provides proof satisfactory to the Commissioner that Respondent has, within one hundred twenty (120) days prior to the effective date of the Decision herein completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Code.

B. All licenses and licensing rights of Respondent under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

(a) 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,

(b) That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Order. 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.

2. The remaining thirty (30) days of said 90-day suspension shall be stayed upon the condition that Respondent petition pursuant to Section 10175.2 of the Code and pay a monetary penalty pursuant to Section 10175.2 of the Code at a rate of $50 for each day of the suspension for a total monetary penalty of $1,500.00:

(a) Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Bureau prior to the effective date of the Order in this matter.

(b) No further cause for disciplinary action against the real estate licenses of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

(c) If Respondent fails to pay the monetary penalty as provided above prior to the effective date of this Order, the stay of the suspension shall be vacated as to Respondent and the order of suspension shall be immediately executed, under this Order, in which event Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the Bureau under the terms of this Order.

(d) If Respondent pays the monetary penalty and any other moneys due under this Stipulation and Agreement in Settlement and Order and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of this Order, the entire stay hereby granted under this Order shall become permanent.

3. Respondent shall pay Dr. Roger J. Carey the sum of $3,500 by the effective date of the Decision, evidence of said payment to be provided to the Bureau within 15 days of the effective of the Decision. If Respondent fails to make said payment or provide evidence of said payment, the Commissioner may indefinitely suspend all licenses and licensing rights of Respondent under the Real Estate Law until payment is made in full. Upon payment in full, the indefinite suspension provided in this paragraph shall be stayed.

4. Respondent shall pay Oscar Vizcaino the sum of $3,500 by the effective date of the Decision, evidence of said payment to be provided to the Bureau within 15 days of the effective of the Decision. If Respondent fails to make said payment or provide

evidence of said payment, the Commissioner may indefinitely suspend all licenses and licensing rights of Respondent under the Real Estate Law until payment is made in full. Upon payment in full, the indefinite suspension provided in this paragraph shall be stayed.

5. Respondent shall pay the sum of $4,363.73 for the Commissioner's cost, pursuant to Section 10106(a) of the Code, of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified check made payable to the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Order in this matter. If Respondent fails to satisfy this condition, the stay of the suspension shall be vacated and the order of suspension shall be immediately executed indefinitely until payment is made in full.

6. Respondent shall, within six (6) months from the issuance of the Order, take and pass the Professional Responsibility Examination administered by the Bureau, including the payment of the appropriate examination fee. If Respondent fails to satisfy this condition, the stay of the suspension shall be vacated and the order of suspension shall be immediately executed indefinitely until Respondent passes the examination.

9-25-13
DATED

MARY F. CLARKE, Counsel
BUREAU OF REAL ESTATE

* * *

I have read the Stipulation and Agreement in Settlement and Order and 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 APA (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.

9/18/2013
DATED

CHRISTINE M. PAPWORTH
Respondent

* * *

I have reviewed the Stipulation and Agreement in Settlement and Order as to form and content and have advised my client accordingly.

9/23/2013
DATED

TORY E. GRIFFIN
Attorney for Respondent

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The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on DEC 19 2013

IT IS SO ORDERED NOVEMBER 7, 2013.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner

MARY F. CLARKE, Counsel (SBN 186744)
Department of Real Estate
P. O. Box 187007
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FILED

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DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of CHRISTINE M. PAPWORTH, Respondent.	NO. H-2738 FR ACCUSATION

The Complainant, PHILLIP IHDE, a Deputy Real Estate Commissioner of the State of California, for Accusation in his official capacity against CHRISTINE M. PAPWORTH (herein "Respondent"), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and now is licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) (herein "the Code").

2

At all times mentioned herein, Respondent was and now is licensed by the Department of Real Estate (herein "Department") as a real estate broker.

3

At all times herein mentioned Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker for compensation, or in

expectation of compensation, within the State of California within the meaning of Section 10131(a) of the Code, the operation of a real estate sales brokerage, wherein Respondent sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, or negotiated the purchase, sale or exchange of real property or a business opportunity.

4

Between about May 6, 2009 and about June 3, 2010, Respondent demanded and collected advance fees for services as a short sale negotiator from the following homeowners prior to submitting an advance fee agreement for review by the Real Estate Commissioner and failed to maintain a record of, or account for, said advance fees, in violation of Sections 10085 (advance fee materials), 10176(i) (fraud or dishonest dealing), 10145 (trust fund handling) and/or 10177(g) (negligence) and/or 10177(j) (fraud or dishonest dealing) of the Code.

Owner	Property Address	Dates	Amount Collected
Oscar V.	Stanislaus St. Riverbank, CA	5/6/09	$ 18.50
		5/16/09	$ 700.00
		6/2/09	$ 700.00
		7/2/09	$ 700.00
Roger C.	Intrigue Lane Manteca, CA	5/3/10	$2,000.00
		6/3/10	$1,500.00

5

The facts alleged above are grounds for the suspension or revocation of the license and license rights of Respondent under Sections 10085, 10176(i), 10145 and/or 10177(g) and/or 10177(j) of the Code, in conjunction with Section 10177(d) of the Code.

6

Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the Administrative Law Judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), for the cost of the investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

PHILLIP IHDE
Deputy Real Estate Commissioner

Dated at LOS ANGELES, California
this 23RD day of APRIL, 2012