

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

FILED

DEC 15 2011

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-2556 FR  
12 )  
13 CHARLES COKER, and ) STIPULATION AND AGREEMENT  
14 AMBER JUNE SPECK ) IN SETTLEMENT AND ORDER  
15 Respondents. ) (as to AMBER SPECK only)

16 It is hereby stipulated by and between Respondent AMBER JUNE SPECK  
17 (herein "Respondent"), individually, and the Complainant, acting by and through Mary F. Clarke,  
18 Counsel for the Department of Real Estate (herein "the Department"), as follows for the purpose  
19 of settling and disposing of the Accusation filed on December 1, 2010, in this matter:

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

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

1 3. A Notice of Defense was filed on December 10, 2010 by Respondent, pursuant  
2 to Section 11505 of the Government Code for the purpose of requesting a hearing on the  
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
4 of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of  
5 Defense, she will thereby waive her right to require the Real Estate Commissioner (herein "the  
6 Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
7 accordance with the provisions of the APA and that she will waive other rights afforded to her in  
8 connection with the hearing such as the right to present evidence in defense of the allegations in  
9 the Accusation and the right to cross-examine witnesses.

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

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

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

#### 24 DETERMINATION OF ISSUES

25 I

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

1 Sections 10176(a) and (i) and 10177(j) of the California Business and Professions Code  
2 (herein the "Code").

3 ORDER

4 All licenses and licensing rights of Respondent under the Real Estate Law are  
5 revoked; provided, however, a restricted real estate salesperson license shall be issued to  
6 Respondent pursuant to Section 10156.5 of the Code if, within 90 days from the effective date of  
7 the Decision entered pursuant to this Order, Respondent, prior to and as a condition of the  
8 issuance of said restricted license makes application for the restricted license and pays to the  
9 Department the appropriate fee therefor.

10 The restricted license issued to Respondent shall be subject to all of the  
11 provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
12 restrictions imposed under authority of Section 10156.6 of that Code:

13 1. The restricted license issued to Respondent may be suspended prior to hearing  
14 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere  
15 to a crime which is substantially related to Respondent's fitness or capacity as a real estate  
16 licensee.

17 2. The restricted license issued to Respondent may be suspended prior to hearing  
18 by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has  
19 violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of  
20 the Real Estate Commissioner, or conditions attaching to the restricted license.

21 3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
22 real estate license or for the removal of any of the conditions, limitations, or restrictions of a  
23 restricted license until four (4) years have elapsed from the effective date of this Order.

24 4. Respondent shall submit with any application for license under an employing  
25 broker, or any application for transfer to a new employing broker, a statement signed by the  
26 prospective employing real estate broker on a form approved by the Department of Real Estate  
27 which shall certify:

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(a) That the employing broker has read the Decision of the  
Commissioner which granted the right to a restricted license;  
and,

(b) That the employing broker will exercise close supervision over  
the performance by the restricted licensee relating to activities for  
which a real estate license is required.

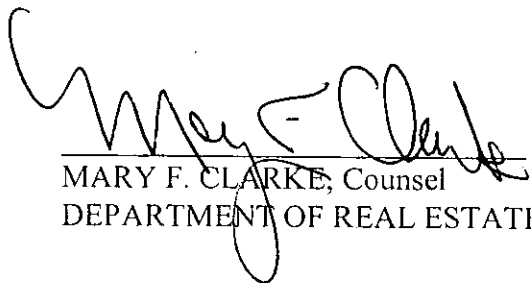
5. Respondent shall work in the same physical office space and location as her  
employing broker. If Respondent has failed to satisfy this condition, the Commissioner may  
order the suspension of the restricted license until Respondent presents such evidence. The  
Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to  
present such evidence.

6. Respondent shall, within nine (9) months from the effective date of the  
Order, present evidence satisfactory to the Commissioner that Respondent has, since the most  
recent issuance of an original or renewal real estate license, taken and successfully completed  
the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for  
renewal of a real estate license, which shall include at least 12 hours of classes in ethics. If  
Respondent fails to satisfy this condition, the Commissioner may order the suspension of the  
restricted license until Respondent presents such evidence. The Commissioner shall afford  
Respondent the opportunity for a hearing pursuant to the APA to present such evidence.

7. Respondent shall, within six (6) months from the issuance of the restricted  
license, take and pass the Professional Responsibility Examination administered by the  
Department, including the payment of the appropriate examination fee. If Respondent fails to  
satisfy this condition, the Commissioner may order the suspension of the restricted license until  
Respondent passes the examination.

11-21-11

DATED


  
MARY F. CLARKE, Counsel  
DEPARTMENT OF REAL ESTATE

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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.

11/10/2011  
DATED

  
AMBER JUNE SPECK  
Respondent

\*\*\*

The foregoing Stipulation and Agreement in Settlement and Order as to Respondent AMBER JUNE SPECK, only, is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on January 4, 2012

IT IS SO ORDERED

12/13/11

BARBARA J. BIGBY  
Acting Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

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DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of ) NO. H-2556 FR  
13 )  
14 CHARLES COKER, ) STIPULATION AND AGREEMENT  
15 Respondent. ) IN SETTLEMENT AND ORDER  
(as to CHARLES COKER only)

16 It is hereby stipulated by and between Respondent CHARLES COKER  
17 (herein "COKER") and the Complainant, acting by and through Mary F. Clarke, Counsel for the  
18 Department of Real Estate (herein "the Department"), as follows for the purpose of settling and  
19 disposing of the Accusation filed on December 1, 2010, in this matter:

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

25 2. Respondent COKER has received, read and understands the Statement to  
26 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department in  
27 this proceeding.

1           3. A Notice of Defense was filed on December 13, 2010, by Respondent COKER,  
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the  
3 allegations in the Accusation. Respondent COKER hereby freely and voluntarily withdraws said  
4 Notice of Defense. Respondent COKER acknowledges that he understands that by withdrawing  
5 said Notice of Defense, he will thereby waive his right to require the Real Estate Commissioner  
6 (herein the "Commissioner") to prove the allegations in the Accusation at a contested hearing  
7 held in accordance with the provisions of the APA and that he will waive other rights afforded to  
8 him in connection with the hearing such as the right to present evidence in defense of the  
9 allegations in the Accusation and the right to cross-examine witnesses.

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

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

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

#### DETERMINATION OF ISSUES

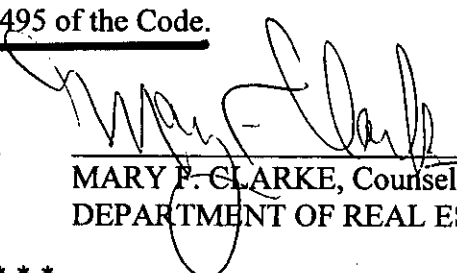
26           The acts and omissions of Respondent COKER as described in the Accusation  
27 are grounds for the suspension or revocation of the license and license rights of Respondent

1 COKER under Section 10178 of the California Business and Professions Code (herein the  
2 "Code"), in conjunction with Section 10177(d) of the Code.

3 ORDER

4 All licenses and licensing rights of Respondent COKER under the Real Estate  
5 Law are publicly reprovod pursuant to Section 495 of the Code.

6  
7 11-3-11  
8 DATED

9   
10 MARY F. CLARKE, Counsel  
11 DEPARTMENT OF REAL ESTATE

12 \*\*\*

13 I have read the Stipulation and Agreement in Settlement and Order and its terms  
14 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
15 rights given to me by the California APA (including but not limited to Sections 11506, 11508,  
16 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive  
17 those rights, including the right of requiring the Commissioner to prove the allegations in the  
18 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
19 and to present evidence in defense and mitigation of the charges.

20 10-31-2011  
21 DATED

22   
23 CHARLES COKER, Respondent

24 \*\*\*

25 The foregoing Stipulation and Agreement in Settlement and Order is hereby  
26 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on  
27 January 3, 2012.

28 IT IS SO ORDERED 12/7, 2011.

29 BARBARA BIGBY  
30 Acting Real Estate Commissioner

31 



1 MARY F. CLARKE, Counsel, #186744  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Telephone: (916) 227-0780  
6  
7

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DEPARTMENT OF REAL ESTATE

By H. Contreras

8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 CHARLES COKER, and ) NO. H-2556-FR  
14 AMBER JUNE SPECK, )  
15 Respondents. ) ACCUSATION  
16 )

17 The Complainant, LUKE MARTIN, a Deputy Real Estate Commissioner of the  
18 State of California, for cause of Accusation against CHARLES COKER (herein "COKER") and  
19 AMBER JUNE SPECK (herein "SPECK") (herein "Respondents"), is informed and alleges as  
20 follows:

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22 The Complainant makes this Accusation against Respondents in his official  
23 capacity.

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25 Respondents are presently licensed and/or have license rights under the Real  
26 Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the  
27 Code").

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At all times herein mentioned, COKER was licensed by the Department of Real Estate (herein "the Department") as real estate broker.

4

At all times herein mentioned, SPECK was licensed by the Department as a real estate salesperson in the employ of COKER.

5

At all times herein mentioned, Respondents engaged in the business of, acted in the capacity of, advertised, or assumed to act as real estate licensees for compensation or in expectation of compensation within the State of California within the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate brokerage wherein Respondents 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.

6

On about March 5, 2009, in connection with the activities described in Paragraph 5, above, and the sale of real property located at 4582 N. Delbert, Fresno, CA, listing agent SPECK forged buyer David Neal's (herein "Neal") signature on a promissory note "for value received," in favor of seller Ronald Hansen, wherein Neal promised to pay Hansen the sum of about \$2,000.00 in monthly installments of about \$100.00, in violation of Sections 10176(a) and (i) and/or 10177(j) and/or 10177(g) of the Code.

7

Between about March 9, 2010 and March 11, 2010, COKER, having learned about SPECK's activities described in Paragraph 6, above, terminated SPECK's employment due to said activities, but failed to file forthwith with the Commissioner a certified written statement of the facts therein as required by Section 10178 of the Code.

///

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code:

- (a) as to Paragraph 6 and Respondent SPECK under Sections 10176(a) and (i) and/or 10177(j) and/or 10177(g) of the Code; and
- (b) as to Paragraph 7 and Respondent COKER under Section 10178 in conjunction with Section 10177(d) of the Code;

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 Respondents under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.



LUKE MARTIN  
Deputy Real Estate Commissioner

Dated at Fresno, California,  
this 16<sup>th</sup> day of November, 2010.