

1 DEPARTMENT OF REAL ESTATE  
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3 Sacramento, CA 95818-7007

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FILED

APR 13 2012

DEPARTMENT OF REAL ESTATE

By K. Contreras

7  
8 BEFORE THE  
9 DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 GEOFFREY RAY GREENE, ) NO. H-2642 FR  
14 Respondent. ) STIPULATION AND AGREEMENT  
15 IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondent GEOFFREY RAY GREENE  
17 (herein "Respondent"), by and through David R. McNamara, attorney of record herein for  
18 Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for the  
19 Department of Real Estate (herein "the Department"), as follows for the purpose of settling and  
20 disposing of the Accusation filed on June 17, 2011, in this matter:

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

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

1                   3. A Notice of Defense was filed on June 23, 2011, by Respondent, pursuant to  
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations  
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.  
4 Respondent acknowledges he understands that by withdrawing said Notice of Defense he will  
5 thereby waive his right to require the Real Estate Commissioner (herein "the Commissioner") to  
6 prove the allegations in the Accusation at a contested hearing held in accordance with the  
7 provisions of the APA and that he will waive other rights afforded to him in connection with the  
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and  
9 the right to cross-examine witnesses.

10                   4. This Stipulation and Agreement in Settlement and Order is based on the  
11 factual allegations contained in the Accusation. In the interests of expedience and economy,  
12 Respondent choose not to contest these allegations, but to remain silent and understands that, as  
13 a result thereof, these factual allegations, without being admitted or denied, will serve as a prima  
14 facie basis for the disciplinary action stipulated to herein. The Commissioner shall not be  
15 required to provide further evidence to prove said factual allegations.

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

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

1 DETERMINATION OF ISSUES

2 The acts and omissions of Respondent as described in the Accusation are grounds  
3 for the suspension or revocation of the license and license rights of Respondent under Section  
4 10176(g) and (i) of the California Business and Professions Code (herein "the Code").

5 ORDER

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

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

11 (a) Respondent shall obey all laws, rules and regulations governing  
12 the rights, duties, and responsibilities of a real estate licensee in  
13 the State of California; and,

14 (b) That no final subsequent determination be made, after hearing or  
15 upon stipulation, that cause for disciplinary action occurred  
16 within two (2) years from the effective date of this Order. Should  
17 such a determination be made, the Commissioner may, in his/her  
18 discretion, vacate and set aside the stay order and reimpose all or  
19 a portion of the stayed suspension. Should no such  
20 determination be made, the stay imposed herein shall become  
21 permanent.

22 2. The remaining Sixty (60) days of said 90-day suspension shall be stayed upon  
23 the condition that Respondent petition and pay a monetary penalty pursuant to Section 10175.2  
24 of the Code at a rate of \$100.00 for each day of the suspension for a total monetary penalty of  
25 \$6,000.00:

26 (a) Said payment shall be in the form of a cashier's check or certified  
27 check made payable to the Recovery Account of the Real Estate

1 Fund. Said check must be received by the Department prior to  
2 the effective date of the Order in this matter.

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

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

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

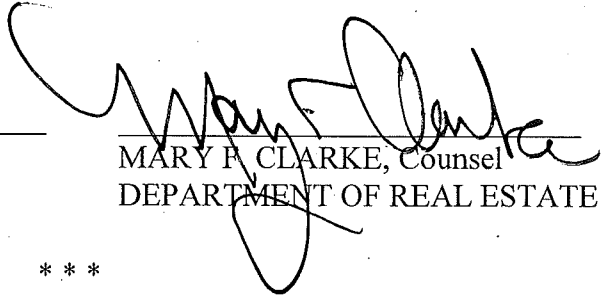
19 3. Respondent shall pay the sum of \$1,791.81 for the Commissioner's  
20 reasonable cost of the investigation which led to this disciplinary action. Said payment shall be  
21 in the form of a cashier's check or certified check made payable to the Recovery Account of the  
22 Real Estate Fund. Said check must be received by the Department prior to the effective date of  
23 the Order in this matter. If Respondent fails to satisfy this condition, the stay of the suspension  
24 shall be vacated and the order of suspension shall be immediately executed indefinitely until  
25 payment is made in full.

26 4. Respondent shall, within nine (9) months from the effective date of the  
27 Order, submit proof satisfactory to the Commissioner, of having completed, at an accredited

1 institution, two (2) three-hour (3-hour) ethics courses, as specified in Paragraph (1) of  
2 subdivision (a) of Section 10170.5 of the Code. If Respondent fails to satisfy this condition, the  
3 stay of the suspension shall be vacated and the order of suspension shall be immediately  
4 executed indefinitely until Respondent submits said proof.

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

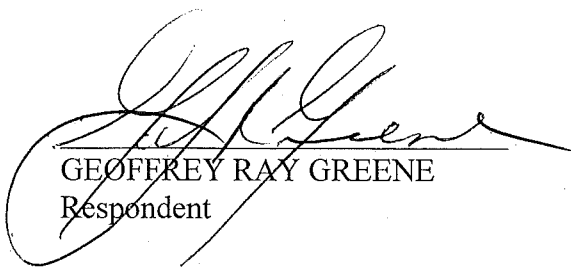
10  
11 3-2-12  
12 DATED

13   
14 MARY F. CLARKE, Counsel  
DEPARTMENT OF REAL ESTATE

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

23  
24 02/27/12  
25 DATED

26   
27 GEOFFREY RAY GREENE  
Respondent

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

3  
4 Feb 27, 2012

5 DATED

6 

7 DAVID R. McNAMARA  
8 Attorney for Respondent

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

13 IT IS SO ORDERED 3/16, 2012.

14  
15 Real Estate Commissioner

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