

**FILED**

FEB 24 2014

BUREAU OF REAL ESTATE  
P. O. Box 137007  
Sacramento, CA 95813-7007

BUREAU OF REAL ESTATE

By L. Frost

Telephone: (916) 263-8670

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of )

AJR MANAGEMENT, and )  
JOHN W. AHL, JR., )

Respondents. )

NO. H-2780 FR

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondents AJR MANAGEMENT and JOHN W. AHL, JR. (collectively referred to herein as "Respondents"), acting by and through Steven C. Vondran, Esq., Counsel for Respondents, and the Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on September 26, 2012, 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.

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 Bureau in this  
3 proceeding.

4                   3.       Respondents filed a Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
7 acknowledge that Respondents understand that by withdrawing said Notice of Defense,  
8 Respondents will thereby waive Respondents' right to require the Real Estate Commissioner  
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that Respondents will waive other rights  
11 afforded to Respondents in connection with the hearing, such as the right to present evidence in  
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13                  4.       This Stipulation is based on the factual allegations contained in the  
14 Accusation. In the interest of expedience and economy, Respondents choose not to contest these  
15 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set  
17 forth below. The Commissioner shall not be required to provide further evidence to prove such  
18 allegations.

19                  5.       This Stipulation and Respondents' decision not to contest the Accusation  
20 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly  
21 limited to this proceeding and any other proceeding or case in which the Bureau, the state or  
22 federal government, an agency of this state, or an agency of another state is involved.

23                  6.       It is understood by the parties that the Commissioner may adopt the  
24 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and  
25 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"  
26 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and

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1 Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing  
2 and proceeding on the Accusation under all of the provisions of the APA and shall not be bound  
3 by any admission or waiver made herein.

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

8 8. Respondents understand that by agreeing to this Stipulation and  
9 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and  
10 Professions Code ("the Code"), the costs of the audit which resulted in the determination that  
11 Respondents committed the trust fund violation(s) found in the Determination of Issues. The  
12 amount of such costs is \$3,135.00.

13 9. Respondents further understand that by agreeing to this Stipulation and  
14 Agreement, the findings set forth below in the Determination of Issues become final, and that the  
15 Commissioner may charge said Respondents for the costs of any audit conducted pursuant to  
16 Section 10148 of the Code to determine if the violations have been corrected. The maximum  
17 costs of said audit shall not exceed \$3,135.00.

18 10. Respondents understand that by agreeing to this Stipulation and  
19 Agreement, Respondents agree to pay, pursuant to Section 10106 of the Code, the costs of the  
20 investigation and enforcement of this case which resulted in the determination that Respondents  
21 committed the violation(s) found in the Determination of Issues. The amount of such cost is  
22 \$672.35.

#### 23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and waivers and solely for the  
25 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that  
26 the following determination of issues shall be made:

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I.

The acts and omissions of Respondent AJR MANAGEMENT as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent AJR MANAGEMENT under the provisions of Sections 10176(e), 10177(d) and 10177(g) of the Code, in conjunction with Section 10145 of the Code, and Sections 2832.1, 2835, 2832, 2831.1 and 2831.2 of Title 10 of the California Code of Regulations ("the Regulations").

II.

The acts and omissions of Respondent JOHN W. AHL, JR. as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent JOHN W. AHL, JR. under the provisions of Sections 10176(e), 10177(d), 10177(g) and 10177(h) of the Code, in conjunction with Sections 10145 and 10159.2 of the Code, and Sections 2725, 2832.1, 2835, 2832, 2831.1 and 2831.2 of the Regulations.

ORDER

I.

1. The corporate real estate broker license and license rights of Respondent AJR MANAGEMENT ("Respondent") are hereby revoked; provided, however, a restricted corporate real estate broker license shall be issued to Respondent pursuant to Section 10156.6 of the Code, if Respondent makes application therefore and pays to the Bureau of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of this Order.

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

i. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the

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1 Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to  
2 the restricted license.

3 b. Respondent shall not be eligible to apply for the issuance of an  
4 unrestricted real estate license, nor the removal of any of the conditions of the restricted license,  
5 until two (2) years have elapsed from the effective date of this Order.

6 2. Immediately upon issuance of any restricted license issued to Respondent  
7 pursuant to this Order, the said restricted license shall be suspended for a period of sixty (60)  
8 days from the date the restricted license is issued; provided, however, that:

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

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

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

20 b. Thirty (30) days of said suspension shall be stayed, upon the  
21 condition that Respondent petition pursuant to Section 10175.2 of the Code and pays a  
22 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each day of the  
23 suspension for a total monetary penalty of \$1,500.00.

24 i. Said payment shall be in the form of a cashier's check or  
25 certified check made payable to the Bureau of Real Estate. Said check must be delivered to the  
26 Bureau prior to the effective date of the Order in this matter.





1                                    i.        Said payment shall be in the form of a cashier's check or  
2 certified check made payable to the Bureau of Real Estate. Said check must be delivered to the  
3 Bureau prior to the effective date of the Order in this matter.

4                                    ii.        No further cause for disciplinary action against the Real  
5 Estate licenses of Respondent occurs within two (2) years from the effective date of the decision  
6 in this matter.

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

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

17                                    3.        Notwithstanding any other provision of this Order, all licenses and  
18 licensing rights of Respondent are indefinitely suspended unless and until he provides proof  
19 satisfactory to the Commissioner that he has taken and successfully completed the continuing  
20 education course on Risk Management specified in Section 10170.5(a)(5) of the Code. The  
21 course must have been completed no earlier than one hundred twenty (120) days prior to the  
22 effective date of this Order, and proof must be submitted prior to the effective date of this Order,  
23 to prevent the suspension of Respondent's license pursuant to this condition. If Respondent  
24 fails to satisfy this condition, the Commissioner shall indefinitely suspend all licenses and  
25 licensing rights of Respondent until he provides proof of having complied with the conditions  
26 provided for in this paragraph. Upon successful completion of the continuing education course

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described in this paragraph, the indefinite suspension provided for in this paragraph shall be permanently stayed.

4. Respondent shall, within six (6) months from the effective date of this 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 Commissioner shall automatically suspend all licenses and licensing rights of Respondent until he passes the examination. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to present such evidence.

5. Respondent shall, within nine (9) months from the effective date of this 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. If Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be suspended until Respondent presents evidence satisfactory to the Commissioner of having taken and successfully completed the continuing education requirement. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to present such evidence.

### III.

1. Respondents AJR MANAGEMENT and JOHN W. AHL, JR.  
("Respondents") shall pay the sum of \$3,135.00 for the Commissioner's cost of the audit which led to this disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. If Respondents fail to satisfy this condition in a timely manner as provided for herein, or as provided for in a subsequent agreement between the Respondents and the Commissioner, Respondents' real estate licenses shall automatically be suspended until payment is made in full or until Respondents enter into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing

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otherwise is adopted following a hearing held pursuant to this condition.

2. Respondents shall pay the Commissioner's costs, not to exceed \$3,135.00, of any audit conducted pursuant to Section 10148 of the Code to determine if Respondents have corrected the violations described in the Determination of Issues, above, and any other violations found in the audit which led to this disciplinary action. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. If Respondents fail to satisfy this condition in a timely manner as provided for herein, or as provided for in a subsequent agreement between the Respondents and the Commissioner, Respondents' real estate licenses shall automatically be suspended until payment is made in full or until Respondents enter into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition. Upon full payment, the indefinite suspension provided for in this paragraph shall be permanently stayed.

#### IV.

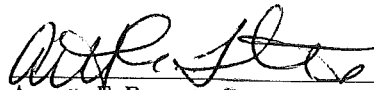
1. All licenses and licensing rights of Respondents AJR MANAGEMENT  
and JOHN W. AHL, JR. ("Respondents") are indefinitely suspended unless or until Respondents pay the sum of \$672.35 for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action, and proof must be submitted prior to the effective date of this Order to prevent the automatic suspension of Respondents' licenses pursuant to this condition. Said payment shall be in the form of a cashier's check or certified check made payable to the Bureau of Real Estate. If full payment is not made as provided for in this paragraph, Respondents shall not be entitled to any repayment nor credit, prorated or

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1 otherwise, for the money paid to the Bureau under the terms of this Order. Upon full payment,  
2 the indefinite suspension provided for in this paragraph shall be permanently stayed.

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4 11-1-13

5 DATED

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7 Annette E. Ferrante, Esq.,  
8 Counsel for Bureau of Real Estate  
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18 I have read the Stipulation and Agreement and its terms are understood by me  
19 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
20 the California Administrative Procedure Act (including but not limited to Sections 11506,  
21 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
22 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
23 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
24 witnesses against me and to present evidence in defense and mitigation of the charges.  
25 Respondents can signify acceptance and approval of the terms and conditions of this  
26 Stipulation and Agreement by faxing a copy of the signature page, as actually signed by

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1 Respondents, to the Bureau at fax number (916) 263-3767. Respondents agree, acknowledge  
2 and understand that by electronically sending to the Bureau a fax copy of Respondents' actual  
3 signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by  
4 the Bureau shall be as binding on Respondents as if the Bureau had received the original  
5 signed Stipulation and Agreement.

6  
7 10/31/2013

8 DATED

AJR MANAGEMENT, Respondent,  
by Designated Officer JOHN W. AHL, JR.

9  
10 10/31/2013

11 DATED

JOHN W. AHL, JR., Respondent

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15 *I have reviewed this Stipulation and Agreement and Order as to form and*  
16 *content and have advised my clients accordingly.*

17 11/5/13

18 DATED

Steven C. Vondran, Esq., Attorney for  
Respondents AJR MANAGEMENT and  
JOHN W. AHL, JR.

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The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in  
this matter as to Respondents AJR MANAGEMENT and JOHN W. AHL, JR., and shall  
become effective at 12 o'clock noon on MAR 17 2014

NOV 27 2013

IT IS SO ORDERED \_\_\_\_\_

REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner