

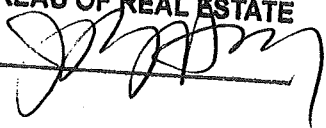
1 Bureau of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013-1105

4 (213) 576-6910

FILED

DEC 29 2014

BUREAU OF REAL ESTATE

By 

8 BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11
12 In the Matter of the Accusation of

13 ATCO PROPERTY MANAGEMENT INC and
14 SAM D. CAUSEY, individually, and as
15 designated officer of ATCO PROPERTY
MANAGEMENT INC,

16 Respondents.
17

Case No: H-02845 FR
OAH No: 2013120390

STIPULATION AND
AGREEMENT

18 It is hereby stipulated by and between Respondents ATCO PROPERTY
19 MANAGEMENT INC and SAM D. CAUSEY, represented by Frank M. Buda, Esq. and the
20 Complainant, acting by and through James A. Demus, Counsel for the Bureau of Real Estate, as
21 follows for the purpose of settling and disposing of the Accusation filed on November 22, 2013,
22 in this matter:

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

3 2. Respondents have received, read and understand the Statement to Respondent,
4 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in
5 this proceeding.

6 3. Respondents timely filed a Notice of Defense pursuant to Section 11506 of the
7 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
8 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
9 acknowledge that they understand that by withdrawing said Notice of Defense they thereby waive
10 the right to require the Commissioner to prove the allegations in the Accusation at a contested
11 hearing held in accordance with the provisions of the APA and that they will waive other rights
12 afforded to them in connection with the hearing such as the right to present evidence in their
13 defense of the allegations in the Accusation and the right to cross-examine witnesses.

14 4. This Stipulation is based on the factual allegations contained in the Accusation.
15 In the interest of expedience and economy, Respondents choose not to contest these allegations,
16 but to remain silent and understand that, as a result thereof, these factual allegations, without
17 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
18 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
19 said factual allegations.

20 5. This Stipulation is made for the purpose of reaching an agreed disposition of
21 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
22 which the Bureau of Real Estate ("Bureau"), the state or federal government, or any agency of
23 this state, another state or federal government is a party.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
26 Respondents' real estate licenses and license rights as set forth in the "Order" herein below. In
27

1 the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
2 and of no effect and Respondents shall retain the right to a hearing and proceeding on the
3 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
4 made herein.

5 7. The Order or any subsequent Order of the Real Estate Commissioner made
6 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
7 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
8 which were not specifically alleged to be causes for Accusation in this proceeding but do
9 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusation
10 against Respondents herein.

11 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
12 to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit which led
13 to this disciplinary action. The amount of said cost is \$7,519.20.

14 9. Respondents have received, read, and understand the "Notice Concerning
15 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
16 the findings set forth below in the Determination of Issues become final, and the Commissioner
17 may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and
18 Professions Code Section 10148 to determine if the violations have been corrected. The
19 maximum cost of the subsequent audit will not exceed \$7,519.20.

20 DETERMINATION OF ISSUES

21 By reason of the foregoing, it is stipulated and agreed that the following
22 determination of issues shall be made:

23 The conduct of ATCO PROPERTY MANAGEMENT INC and SAM D.
24 CAUSEY as described in Paragraph 4, hereinabove, is in violation of Business and Professions
25 Code Sections 10145 and provides a basis for discipline of their licenses and license rights
26 pursuant to Business and Professions Code Section 10177(d).
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MANAGEMENT INC under the Real Estate Law are suspended for a period of sixty (60) days
from the effective date of this Decision; provided, however, that sixty (60) days of said
suspension, shall be stayed for two (2) years upon the following terms and conditions:

- B.

Pursuant to Section 10148 of the Business and Professions Code, Respondent

shall pay the Commissioner's reasonable cost for: a) the audit which led to this disciplinary action and b) a subsequent audit to determine if Respondent has corrected the trust fund violations found in the Determination of Issues. 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 costs, including mileage, time to and from the auditor's place of work and per diem. Respondent shall pay such costs within 60 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner shall vacate and set aside the stay order, if payment is not timely

1 made as provided for herein, or as provided for in a subsequent agreement between the
2 Respondent and the Commissioner. The vacation and the set aside of the stay shall remain in
3 effect until payment is made in full, or until Respondent enters into an agreement satisfactory to
4 the Commissioner to provide for payment.

5 C.

6 All licenses and licensing rights of Respondent ATCO PROPERTY

7 MANAGEMENT INC are indefinitely suspended unless or until Respondent pays the sum of
8 \$4,274.50 for the Commissioner's reasonable cost of the investigation and enforcement which
9 led to this disciplinary action. Said payment shall be in the form of a cashier's check made
10 payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered
11 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
12 prior to the effective date of this Order.

13 II.

14 A.

15 All licenses and licensing rights of Respondent SAM D. CAUSEY under the Real
16 Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision;
17 provided, however, that sixty (60) days of said suspension, shall be stayed for two (2) years upon
18 the following terms and conditions:

19 1. Respondent shall obey all laws, rules and regulations governing the rights,
20 duties and responsibilities of a real estate licensee in the State of California; and

21 2. That no final subsequent determination be made, after hearing or upon
22 stipulation that cause for disciplinary action occurred within two (2) years of the effective date of
23 this Decision. Should such a determination be made, the Commissioner may, in his discretion,
24 vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should
25 no such determination be made, the stay imposed herein shall become permanent.

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1 B.

2 Pursuant to Section 10148 of the Business and Professions Code, Respondent

3 shall pay the Commissioner's reasonable cost for: a) the audit which led to this disciplinary
4 action and b) a subsequent audit to determine if Respondent has corrected the trust fund
5 violations found in the Determination of Issues. In calculating the amount of the
6 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
7 for all persons performing audits of real estate brokers, and shall include an allocation for travel
8 costs, including mileage, time to and from the auditor's place of work and per diem.
9 Respondent shall pay such costs within 60 days of receiving an invoice from the Commissioner
10 detailing the activities performed during the audit and the amount of time spent performing those
11 activities. The Commissioner shall vacate and set aside the stay order, if payment is not timely
12 made as provided for herein, or as provided for in a subsequent agreement between the
13 Respondent and the Commissioner. The vacation and the set aside of the stay shall remain in
14 effect until payment is made in full, or until Respondent enters into an agreement satisfactory to
15 the Commissioner to provide for payment.

16 C.

17 All licenses and licensing rights of SAM D. CAUSEY are indefinitely suspended

18 unless or until SAM D. CAUSEY provides proof satisfactory to the Commissioner, of having
19 taken and successfully completed the continuing education course on trust fund accounting and
20 handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and
21 Professions Code. Proof of satisfaction of these requirements includes evidence that SAM D.
22 CAUSEY has successfully completed the trust fund account and handling continuing education
23 courses, no earlier than 120 days prior to the effective date of the Order in this matter. Proof of
24 completion of the trust fund accounting and handling course must be delivered to the Bureau of
25 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-
26 263-8758, prior to the effective date of this Order.

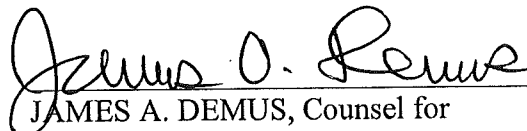
1 D.

2 Respondent SAM D. CAUSEY shall, within six (6) months from the effective
3 date of this Order, take and pass the Professional Responsibility Examination administered by
4 the Bureau including the payment of the appropriate examination fee. If Respondent fails to
5 satisfy this condition, Respondent's real estate license shall automatically be suspended until
6 Respondent passes the examination.

7 E.

8 All licenses and licensing rights of Respondent SAM D. CAUSEY are
9 indefinitely suspended unless or until Respondent pays the sum of \$4,274.50 for the
10 Commissioner's reasonable cost of the investigation and enforcement which led to this
11 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
12 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
13 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
14 effective date of this Order.
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17 DATED: 12/5/14

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19 JAMES A. DEMUS, Counsel for
the Bureau of Real Estate

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21 **EXECUTION OF THE STIPULATION**

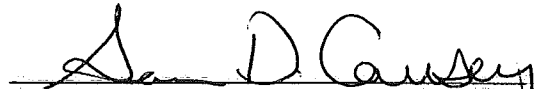
22 I have read the Stipulation and discussed it with my counsel. Its terms are
23 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights
24 given to me by the California Administrative Procedure Act (including but not limited to
25 Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently
26 and voluntarily waive those rights, including the right of requiring the Commissioner to prove the
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1 allegations in the Accusation at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and mitigation of the charges.

3 Respondents can signify acceptance and approval of the terms and conditions of
4 this Stipulation by faxing a copy of its signature page, as actually signed by Respondents, to the
5 Bureau at the following telephone/fax number: James A. Demus at (213) 576-6917.

6 Respondents agree, acknowledge and understand that by electronically sending to the Bureau a
7 fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the
8 faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the
9 original signed Stipulation.
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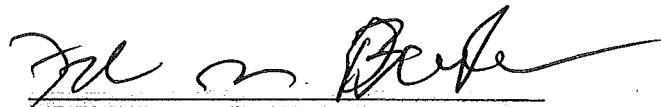
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12
13 DATED: 12-5-2014


SAM D. CAUSEY, as designated officer of ATCO
PROPERTY MANAGEMENT INC

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17 DATED: 12-5-2014


SAM D. CAUSEY, Respondent

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21 DATED: 12-8-14


FRANK M. BUDA
Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents ATCO PROPERTY MANAGEMENT INC and SAM D. CAUSEY and shall
become effective at 12 o'clock noon on January 28, 2015,

IT IS SO ORDERED DEC 22 2014,

Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'JEFFREY MASON', is written over a horizontal line.

By: JEFFREY MASON
Chief Deputy Commissioner