

FILED
FEB 09 2015

BUREAU OF REAL ESTATE

By D. Frost

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670
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9 BEFORE THE BUREAU OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)

) NO. H-2854 FR

13 RYAN M. PERKINS,)

) STIPULATION AND AGREEMENT

14 Respondent.)
15)
16)

17 It is hereby stipulated by and between Respondent RYAN M. PERKINS ("Respondent"),
18 acting by and through Daniel C. Stein, Esq., Counsel for Respondent, and the Complainant,
19 acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of Real Estate
20 ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on
21 December 12, 2013, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondent at a formal hearing on the Accusation, which
24 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
25 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
26 of this Stipulation and Agreement.
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1 2. Respondent has received, read and understands the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau in
3 this proceeding.

4 3. Respondent 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 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that Respondent understands that by withdrawing said Notice of Defense,
8 Respondent will thereby waive Respondent's 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 Respondent will waive other rights
11 afforded to Respondent 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. Respondent, pursuant to the limitations set forth below, hereby admits that
14 the factual allegations in the Accusation filed in this proceeding are true and correct and the
15 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

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1 7. Respondent understands that by agreeing to this Stipulation and
2 Agreement, Respondent agrees to pay, pursuant to Section 10148 of the California Business
3 and Professions Code ("the Code"), the cost of the audit which resulted in the determination
4 that Respondent committed the violation(s) found in the Determination of Issues. The amount
5 of such cost is \$3,933.00.

6 8. Respondent understands that by agreeing to this Stipulation and
7 Agreement, Respondent agrees to pay, pursuant to Section 10106 of the Code, the costs of the
8 investigation and enforcement of this case which resulted in the determination that Respondent
9 committed the violation(s) found in the Determination of Issues. The amount of such cost is
10 \$5,813.65.

11 DETERMINATION OF ISSUES

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

15 The acts and omissions of Respondent RYAN M. PERKINS ("Respondent") as
16 described in the Accusation are grounds for the suspension or revocation of the licenses and
17 license rights of Respondent under the following provisions of law:

18 As to the First Cause of Action: Under Section 10177(g) of the Code, in conjunction
19 with Sections 10145, 10148, and 10140.6 of the Code, and Sections 2832, 2831, 2831.1,
20 2831.2, and 2773 of Title 10 of the California Code of Regulations.

21 As to the Second Cause of Action: Under Sections 10176(a) and 10177(g) of the Code.

22 ORDER

23 1. The real estate broker license and license rights of Respondent RYAN M.
24 PERKINS ("Respondent") are hereby revoked; provided, however, a restricted real estate
25 salesperson license shall be issued to Respondent pursuant to Section 10156.6 of the Code if
26 Respondent makes application therefore and pays to the Bureau of Real Estate the appropriate

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1 fee for the restricted license within ninety (90) days from the effective date of this Decision. The
2 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7
3 of the Code and to the following limitations, conditions, and restrictions imposed under authority
4 of Section 10156.6 of the Code:

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

9 b. The restricted license issued to Respondent may be suspended prior to
10 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
11 Respondent has violated provisions of the California Real Estate Law, the Subdivided
12 Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to
13 the restricted license.

14 2. Respondent shall not be eligible to apply for the issuance of an
15 unrestricted real estate license, nor the removal of any of the conditions, limitations or
16 restrictions of the restricted license, until two (2) years have elapsed from the effective date of
17 this Decision.

18 3. With the application for license or with the application for transfer to a
19 new employing broker, Respondent shall submit a statement signed by the prospective
20 employing broker on a form approved by the Bureau wherein the employing broker shall certify
21 as follows:

22 a. That the broker has read the Stipulation and Agreement which is
23 the basis for the issuance of the restricted license; and

24 b. That the broker will carefully review all transaction documents
25 prepared by the restricted licensee and otherwise exercise close supervision over the licensee's
26 performance of acts for which a license is required.

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

6 5. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
7 \$3,933.00 for the Commissioner's cost of the audit which led to this disciplinary action.
8 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
9 Commissioner. Payment of audit costs should not be made until Respondent receives the
10 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
11 Respondent's real estate license shall automatically be suspended until payment is made in full,
12 or until a decision providing otherwise is adopted following a hearing held pursuant to this
13 condition.

14 6. All licenses and licensing rights of Respondent are indefinitely suspended
15 unless or until Respondent pays the sum of \$5,813.65 for the Commissioner's reasonable cost of
16 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
17 the form of a cashier's check made payable to the Bureau of Real Estate, and must be delivered
18 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
19 prior to the effective date of this Decision.

20
21 12-24-14
22 DATED

23 
24 Annette E. Ferrante, Counsel
25 Bureau of Real Estate
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I have read the Stipulation and Agreement 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 Administrative Procedure Act (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. Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

12/23/2014

DATED



RYAN M. PERKINS,
Respondent

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

12/23/14

DATED

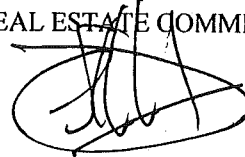


Daniel C. Stein, Esq.,
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by me as my Decision in
this matter as to Respondent RYAN M. PERKINS, and shall become effective at 12 o'clock
noon on **MAR 02 2015**

IT IS SO ORDERED FEBRUARY 2, 2015.

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner