

1 Bureau of Real Estate  
2 P.O. Box 137007  
3 Sacramento, CA 95815-7007

4 Telephone: (916) 263-8672

**FILED**

MAY 23 2018

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )

12 DIEDRE MARIE THOMAS, and WILLIAM )  
13 ROBERT ENDSLEY, )

14 Respondents.)

No. H-3081 FR

STIPULATION AND  
AGREEMENT TO  
SURRENDER

15 It is hereby stipulated by and between DIEDRE MARIE THOMAS  
16 (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the  
17 Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing the  
18 Accusation filed on March 8, 2017, in this matter:

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

24 2. Respondent has received, read, and understands the Statement to  
25 Respondent, and the Discovery Provisions of the APA filed by the Bureau in this proceeding.

26 ///

27 ///

1                   3.       Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that Respondent understands that by withdrawing said Notice of Defense  
5 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner  
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 Respondent will waive other rights afforded  
8 to Respondent in connection with the hearing such as the right to present evidence in defense of  
9 the allegations in the Accusation and the right to cross-examine witnesses.

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

16                   5.       The Order or any subsequent Order of the Commissioner made pursuant to  
17 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or  
18 civil proceedings by the Bureau with respect to any matters which were not specifically alleged in  
19 Accusation H-12067 SF.

20                               DECLARATION OF DIEDRE MARIE THOMAS

21                   In lieu of proceeding in this matter in accordance with the provisions of the APA,  
22 I, DIEDRE MARIE THOMAS, wish to voluntarily surrender my real estate license(s) issued by  
23 the Bureau, pursuant to Business and Professions Code section 10100.2.

24                   I understand that by voluntarily surrendering my license(s), I may be re-licensed  
25 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of  
26 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree  
27 to the following:

1           1.     The filing of this Declaration shall be deemed as my petition for  
2 voluntary surrender.

3           2.     It shall also be deemed to be an understanding and agreement by me that  
4 I waive all rights I have to require the Commissioner to prove the allegations contained in the  
5 Accusation filed in this matter at a hearing held in accordance with the provisions of the APA,  
6 and that I also waive other rights afforded to me in connection with the hearing such as the  
7 right to discovery, the right to present evidence in defense of the allegations in the Accusation  
8 and the right to cross-examine witnesses.

9           3.     I further agree that upon acceptance by the Commissioner, as evidenced  
10 by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this  
11 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
12 filed in the Bureau Case No. H-3081 FR may be considered by the Bureau to be true and  
13 correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to  
14 Government Code section 11522.

15           4.     I freely and voluntarily surrender all my licenses and license rights under  
16 the Real Estate Law.

17                                 \* \* \*

18                                 ORDER

19                                 I

20                 With any petition for reinstatement made in the future, Respondent shall pay the  
21 total sum of \$20,458.10 for the Commissioner's cost of the audit, investigation and enforcement  
22 related to this matter. Any petition for reinstatement made pursuant to Government Code  
23 Section 11522 shall be denied if Respondents fail to satisfy this condition.

24                                 II

25                 Respondent's petition for voluntary surrender of her real estate broker license is  
26 accepted as of the effective date of this Order as set forth below, based upon the understanding  
27 and agreement expressed in Respondent's Declaration incorporated herein as part of this

1 Stipulation. Respondent's license certificates, pocket cards and any branch office license  
2 certificates shall be sent to the below listed address so that they reach the Bureau on or before the  
3 effective date of this Order:

4 BUREAU OF REAL ESTATE  
5 Attn: Licensing Flag Section  
6 P. O. Box 137013  
7 Sacramento, CA 95813-7013

7 30-April-18

8 DATED

7 25

8 TRULY SUGHRUE  
9 Counsel for Complainant

9 \* \* \*

10 I have read the Stipulation, and its terms are understood by me and are agreeable  
11 and acceptable to me. I understand that I am waiving rights given to me by the California  
12 Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights,  
13 including the right of requiring the Commissioner to prove the allegations in the Accusations at a  
14 hearing at which I would have the right to cross-examine witnesses against me and to present  
15 evidence in defense and mitigation of the charges.

16 Respondent further agrees to send the original signed Stipulation by mail to the  
17 following address no later than one (1) week from the date the Stipulation is signed by  
18 Respondent and Respondent's attorney: *Bureau of Real Estate, Legal Section, P.O. Box 137007,*  
19 *Sacramento, California 95813-7007.* Respondent understands and agrees that if she fails to  
20 return the original signed Stipulation by the due date, Complainant retains the right to set this  
21 matter for hearing.

24 April 30, 2018

25 DATED

24 Diedre Marie Thomas

25 DIEDRE MARIE THOMAS  
26 Respondent

27 \* \* \*

1                    The foregoing Stipulation and Agreement is hereby adopted as my Decision and  
2                    Order and shall become effective at 12 o'clock noon on **JUN 13 2018**  
3

4                    IT IS SO ORDERED May 22, 2018

5                    WAYNE S. BELL  
6                    Real Estate Commissioner

7                      
8

9                    By: DANIEL J. SANDRI  
10                    Chief Deputy Commissioner