

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 and understands that by withdrawing said Notice of Defense they will thereby
5 waive their right to require the Real Estate Commissioner (Commissioner) to prove the
6 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
7 APA and that they will waive other rights afforded to them in connection with the hearing such
8 as the right to present evidence in defense of the allegations in the Accusation and the right to
9 cross-examine witnesses.

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

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

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

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

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

9 d. If Respondent pays the monetary penalty and any other moneys due
10 under this Stipulation and if no further cause for disciplinary action against the real estate license
11 of Respondent occurs within two (2) years from the effective date of this Order, the entire stay
12 hereby granted by this Order, as to Respondent , shall become permanent.

13 2. Forty-five (45) days of said suspension shall be stayed for two (2) years
14 upon the following terms and conditions:

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

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

23 3. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
24 \$5,207.07 for the Commissioner's cost of the audit which led to this disciplinary action.
25 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
26 Commissioner. Payment of audit costs should not be made until Respondent receives the
27 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,

1 Respondent's real estate license shall automatically be suspended until payment is made in full,
2 or until a decision providing otherwise is adopted following a hearing held pursuant to this
3 condition.

4 4. Pursuant to Section 10148 of the Code, Respondent shall pay the
5 Commissioner's reasonable cost, not to exceed \$6,508.84, for an audit to determine if
6 Respondent has corrected the violations found in the Determination of Issues. In calculating the
7 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
8 hourly salary for all persons performing audits of real estate brokers, and shall include an
9 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost
10 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the
11 audit costs should not be made until Respondent receives the invoice. If Respondent fails to
12 satisfy this condition in a timely manner as provided for herein, Respondent's real estate license
13 shall automatically be suspended until payment is made in full, or until a decision providing
14 otherwise is adopted following a hearing held pursuant to this condition.

15 5. All licenses and licensing rights of Respondent are indefinitely suspended
16 unless or until Respondent pays the sum of \$2,531.25 for the Commissioner's reasonable cost of
17 the investigation which led to this disciplinary action. Said payment shall be in the form of a
18 cashier's check made payable to the Department of Real Estate, Flag Section at P.O. Box
19 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

21 10/10/18

22 DATED



22 MEGAN LEE OLSEN, Counsel III
23 DEPARTMENT OF REAL ESTATE

24 * * *

25 I have read the Stipulation and Agreement In Settlement and Order and its terms
26 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
27 rights given to me by the California Administrative Procedure Act (including but not limited

1 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
2 intelligently, and voluntarily waive those rights, including the right of requiring the
3 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
4 right to cross-examine witnesses against me and to present evidence in defense and mitigation
5 of the charges. I understand that I must sign and return this Stipulation by fax to (916) 263-
6 3767 or by email to Megan.Olsen@dre.ca.gov. I further agree to mail the original Stipulation
7 no later than five days after signing it to: Department of Real Estate, Legal Section, P.O. Box
8 137007, Sacramento, California 95813-7007. I understand that failure to mail the original back
9 may result in this matter going to hearing.

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October 1, 2018
DATED


FRESNO PROPERTY MANAGEMENT,
CORP.
Respondent

By: Craig M. Solis
Designated Officer

The foregoing Stipulation and Agreement In Settlement and Order is hereby
adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
at 12 o'clock noon on NOV 30 2018.

IT IS SO ORDERED October 31, 2018.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

