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FILED

FEB 18 2006

DEPARTMENT OF REAL ESTATE

By Juan Cruz

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-3289 SAC  
)  
RENWICK PENROSE RUSSELL, )  
)  
Respondent. )  
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 16, 1997, in Case No. H-3289 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective January 13, 1998, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 3, 1998, and Respondent has operated as a restricted licensee since that time.

On May 27, 2004, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof. Respondent has  
3 demonstrated to my satisfaction that Respondent meets the  
4 requirements of law for the issuance to Respondent of an  
5 unrestricted real estate broker license and that it would not be  
6 against the public interest to issue said license to Respondent.

7 NOW, THEREFORE, IT IS ORDERED that Respondent's  
8 petition for reinstatement is granted and that a real estate  
9 broker license be issued to Respondent if Respondent satisfies  
10 the following conditions within nine (9) months from the date of  
11 this Order:

12 1. Submittal of a completed application and payment of  
13 the fee for a real estate broker license.

14 2. Submittal of evidence of having, since the most  
15 recent issuance of an original or renewal real estate license,  
16 taken and successfully completed the continuing education  
17 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
18 for renewal of a real estate license.

19 This Order shall be effective immediately.

20 DATED: 1-19-06

21 JEFF DAVIS  
22 Real Estate Commissioner  
23   
24  
25  
26  
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FILED  
JUN 03 1999

DEPARTMENT OF REAL ESTATE

By Shelly Ely

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
LYNETTE LOUISE DUPREE, )  
Respondent. )

No. H-3289 SAC

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 16, 1997, an Order was rendered herein  
revoking the real estate salesperson license of Respondent, but  
granting Respondent the right to the issuance of a restricted real  
estate salesperson license. A restricted real estate salesperson  
license was issued to Respondent on January 13, 1998, and  
Respondent has operated as a restricted licensee without cause for  
disciplinary action against Respondent.

On February 4, 1999, Respondent petitioned for  
reinstatement of said real estate salesperson license, and the  
Attorney General of the State of California has been given notice  
of the filing of said petition.

///

1 I have considered the petition of Respondent and the  
2 evidence and arguments in support thereof including Respondent's  
3 record as a restricted licensee. Respondent has demonstrated to  
4 my satisfaction that Respondent meets the requirements of law for  
5 the issuance to Respondent of an unrestricted real estate  
6 salesperson license and that it would not be against the public  
7 interest to issue said license to Respondent.

8 NOW, THEREFORE, IT IS ORDERED that Respondent's petition  
9 for reinstatement is granted and that a real estate salesperson  
10 license be issued to Respondent if Respondent satisfies the  
11 following conditions within nine months from the date of this  
12 Order:

13 1. Submittal of a completed application and payment of  
14 the fee for a real estate salesperson license.

15 2. Submittal of evidence of having, since the most  
16 recent issuance of an original or renewal real estate license,  
17 taken and successfully completed the continuing education  
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
19 for renewal of a real estate license.

20 This Order shall be effective immediately.

21 DATED: May 4, 1999.

22 John R. Liberator  
23 Acting Real Estate Commissioner

24 John R. Liberator  
25  
26  
27

1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4  
5 Telephone: (916) 227-0789  
6  
7

FILED  
DEC 23 1997  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-3289 SAC  
12 )  
12 RENWICK PENROSE RUSSELL and ) OAH NO. N-1997070279  
13 LYNETTE LOUISE DUPREE, )  
14 Respondents. ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between Respondent  
16 LYNETTE LOUISE DUPREE (hereinafter "DUPREE"), individually and by  
17 and through Howard L. Churchill, Esq., attorney of record herein  
18 for Respondents DUPREE, and the Complainant, acting by and through  
19 James L. Beaver, Counsel for the Department of Real Estate, as  
20 follows for the purpose of settling and disposing of the  
21 Accusation filed on June 16, 1997 in this matter (hereinafter "the  
22 Accusation"):

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27 Procedure Act (APA), shall instead and in place thereof be

H-3289 SAC

- 1 -

STIPULATION OF  
LYNETTE LOUISE DUPREE

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

3 2. Respondent has received, read and understands the  
4 Statement to Respondent, the Discovery Provisions of the APA and  
5 the Accusation filed by the Department of Real Estate in this  
6 proceeding.

7 3. On June 30, 1997, Respondent filed a Notice of  
8 Defense pursuant to Section 11505 of the Government Code for the  
9 purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notices of Defense. Respondent acknowledges that Respondent  
12 understands that by withdrawing said Notices of Defense Respondent  
13 will thereby waive Respondent's right to require the Commissioner  
14 to prove the allegations in the Accusation at a contested hearing  
15 held in accordance with the provisions of the APA and that  
16 Respondent will waive other rights afforded to Respondent in  
17 connection with the hearing such as the right to present evidence  
18 in defense of the allegations in the Accusation and the right to  
19 cross-examine witnesses.

20 4. Respondent DUPREE, pursuant to the limitations set  
21 forth below, hereby admits that the factual allegations pertaining  
22 to him in Paragraphs I through III of the Accusation are true and  
23 correct and the Real Estate Commissioner shall not be required to  
24 provide further evidence of such allegations.

25 5. Without admitting the truth of the allegations  
26 pertaining to him contained in Paragraphs IV through XII of the  
27 Accusation, Respondent stipulates that she will not interpose a



1 defense thereto. Respondent stipulates that, for the purposes of  
2 these proceedings and no other proceedings except any proceedings  
3 hereafter to which the Department may be a party, the Department  
4 may issue findings and determinations of issues that the acts  
5 and/or omissions of Respondent as stipulated above constitute  
6 grounds for disciplinary action as set forth herein.

7           6. No additional documentary, testimonial, or other  
8 evidence, except that which is necessary to establish  
9 Complainant's jurisdiction, shall be required to be presented by  
10 Complainant at any hearing in this proceeding in order to prove  
11 the Accusation as above stipulated.

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

22           8. Except for any cause of accusation against  
23 Respondent DUPREE pursuant to the provisions of Section 10177.5 of  
24 the Code arising out of the transaction described in Paragraphs IV  
25 through XII of the Accusation, the Order or any subsequent Order  
26 of the Real Estate Commissioner made pursuant to this Stipulation  
27 and Agreement shall not constitute an estoppel, merger or bar to

1 any further administrative or civil proceedings by the Department  
2 of Real Estate with respect to any matters which were not  
3 specifically alleged to be causes for accusation in this  
4 proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions and  
7 waivers and solely for the purpose of settlement of the pending  
8 Accusation without hearing, it is stipulated and agreed that the  
9 following Determination of Issues shall be made:

10 I

11 The acts and omissions of Respondent DUPREE described in  
12 Paragraphs IV through XII, inclusive, of the Accusation are  
13 grounds for the suspension or revocation of the licenses and  
14 license rights of Respondent DUPREE under the following provisions  
15 of the California Business and Professions Code (hereinafter "the  
16 Code"):

17 (a) As to Paragraphs VIII and IX under Section 10177(g)  
18 of the Code; and

19 (b) As to Paragraphs X through XII, inclusive, under  
20 Section 10176(a) of the Code.

21 ORDER

22 I

23 All licenses and licensing rights of Respondent LYNETTE  
24 LOUISE DUPREE under the Real Estate Law are revoked; provided,  
25 however, a restricted real estate salesperson license shall be  
26 issued to said Respondent pursuant to Section 10156.5 of the  
27 Business and Professions Code if, within 90 days from the



1 effective date of the Decision entered pursuant to this Order,  
2 Respondent makes application for the restricted license and pays  
3 to the Department of Real Estate the appropriate fee therefor.

4 The restricted license issued to Respondent shall be  
5 subject to all of the provisions of Section 10156.7 of the  
6 Business and Professions Code and to the following limitations,  
7 conditions and restrictions imposed under authority of Section  
8 10156.6 of that Code:

9 1. Any restricted real estate license issued to  
10 Respondent pursuant to this Decision shall be suspended for thirty  
11 (30) days from the date of issuance of said restricted license.

12 2. The restricted license issued to Respondent may be  
13 suspended prior to hearing by Order of the Real Estate  
14 Commissioner in the event of Respondent's conviction or plea of  
15 nolo contendere to a crime which is substantially related to  
16 Respondent's fitness or capacity as a real estate licensee.

17 3. The restricted license issued to Respondent may be  
18 suspended prior to hearing by Order of the Real Estate  
19 Commissioner on evidence satisfactory to the Commissioner that  
20 Respondent has violated provisions of the California Real Estate  
21 Law, the Subdivided Lands Law, Regulations of the Real Estate  
22 Commissioner or conditions attaching to the restricted license.

23 4. Respondent shall not be eligible to apply for the  
24 issuance of an unrestricted real estate license nor for the  
25 removal of any of the conditions, limitations or restrictions of a  
26 restricted license until:

27 ///

- 1 (a) One (1) year has elapsed from the effective date of  
2 this Decision; and
- 3 (b) Each and every civil action against Respondent  
4 DUPREE arising out of the transaction described in  
5 Paragraphs IV through XII of the Accusation,  
6 including but not limited to Contra Costa County  
7 Superior Court Case No. C96-03303, is terminated by  
8 final judgment or dismissal as to Respondent  
9 DUPREE, and any final money judgment in favor of  
10 Anne M. Angus and against Respondent DUPREE  
11 resulting from any such civil action is fully  
12 satisfied.

13 5. Respondent shall submit with any application for  
14 license under an employing broker, or any application for transfer  
15 to a new employing broker, a statement signed by the prospective  
16 employing real estate broker on a form approved by the Department  
17 of Real Estate which shall certify:

- 18 (a) That the employing broker has read the Decision of  
19 the Commissioner which granted the right to a  
20 restricted license; and
- 21 (b) That the employing broker will exercise close  
22 supervision over the performance by the restricted  
23 licensee relating to activities for which a real  
24 estate license is required.

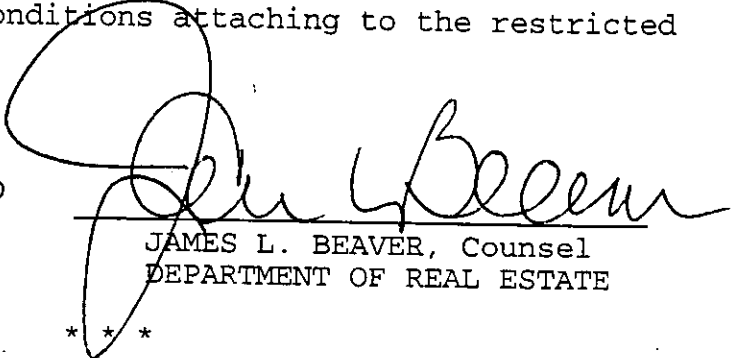
25 6. Respondent shall, within nine months from the  
26 effective date of the Decision, present evidence satisfactory to  
27 the Real Estate Commissioner that Respondent has, since the most

1 recent issuance of an original or renewal real estate license,  
2 taken and successfully completed the continuing education  
3 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
4 for renewal of a real estate license. If Respondent fails to  
5 satisfy this condition, the Commissioner may order the suspension  
6 of the restricted license until the Respondent presents such  
7 evidence. The Commissioner shall afford Respondent the  
8 opportunity for a hearing pursuant to the Administrative Procedure  
9 Act to present such evidence.

10           7. Respondent shall, within six (6) months from the  
11 issuance of the restricted license, take and pass the Professional  
12 Responsibility Examination administered by the Department  
13 including the payment of the appropriate examination fee. If  
14 Respondent fails to satisfy this condition, the Commissioner may  
15 order the suspension of the restricted license until Respondent  
16 passes the examination.

17           8. Any restricted real estate broker license issued to  
18 Respondent may be suspended or revoked for a violation by  
19 Respondent of any of the conditions attaching to the restricted  
20 license.

21  
22 November 12, 1997  
23           DATED

24             
25           JAMES L. BEAVER, Counsel  
26           DEPARTMENT OF REAL ESTATE  
27           \* \* \*

25           I have read the Stipulation and Agreement, have  
26 discussed it with my attorney, and its terms are understood by me  
27 and are agreeable and acceptable to me. I understand that I am

H-3289 SAC

- 7 -

STIPULATION OF  
LYNETTE LOUISE DUPREE

1 waiving rights given to me by the California Administrative  
2 Procedure Act (including but not limited to Sections 11506,  
3 11508, 11509, and 11513 of the Government Code), and I willingly,  
4 intelligently, and voluntarily waive those rights, including the  
5 right of requiring the Commissioner to prove the allegations in  
6 the Accusation at a hearing at which I would have the right to  
7 cross-examine witnesses against me and to present evidence in  
8 defense and mitigation of the charges.

9  
10 11/10/97

DATED

*Lynette Louise Dupree*  
LYNETTE LOUISE DUPREE  
Respondent

12 I have reviewed the Stipulation and Agreement as to  
13 form and content and have advised my client accordingly.

14 *November 10, 1997*  
15 DATED

*Howard L. Churchill*  
HOWARD L. CHURCHILL  
Attorney for Respondent

17 \* \* \*

18 The foregoing Stipulation and Agreement for Settlement  
19 is hereby adopted by the Real Estate Commissioner as his Decision  
20 and Order and shall become effective at 12 o'clock noon on  
21 January 13, 1998.

22 IT IS SO ORDERED

12/16/97  
JIM ANTT, JR.  
Real Estate Commissioner

*Jim Antt Jr.*

1 Department of Real Estate  
2 P. O. Box 187000  
3 Sacramento, CA 95818-7000  
4  
5 Telephone: (916) 227-0789  
6  
7

FILED  
DEC 23 1997  
DEPARTMENT OF REAL ESTATE

*Laurie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-3289 SAC  
12 )  
12 RENWICK PENROSE RUSSELL and ) OAH NO. N-1997070279  
13 LYNETTE LOUISE DUPREE, )  
14 Respondents. ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between Respondent  
16 RENWICK PENROSE RUSSELL (hereinafter "RUSSELL"), individually and  
17 by and through Carol L. Lerner, Esq., attorney of record herein  
18 for Respondent RUSSELL, and the Complainant, acting by and through  
19 James L. Beaver, Counsel for the Department of Real Estate, as  
20 follows for the purpose of settling and disposing of the  
21 Accusation filed on June 16, 1997 in this matter (hereinafter "the  
22 Accusation"):

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27 Procedure Act (APA), shall instead and in place thereof be

H-3289 SAC

- 1 -

STIPULATION OF  
RENWICK PENROSE RUSSELL

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

3           2. Respondent has received, read and understands the  
4 Statement to Respondent, the Discovery Provisions of the APA and  
5 the Accusation filed by the Department of Real Estate in this  
6 proceeding.

7           3. On July 2, 1997, Respondent filed a Notice of  
8 Defense pursuant to Section 11505 of the Government Code for the  
9 purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notices of Defense. Respondent acknowledges that Respondent  
12 understands that by withdrawing said Notices of Defense Respondent  
13 will thereby waive Respondent's right to require the Commissioner  
14 to prove the allegations in the Accusation at a contested hearing  
15 held in accordance with the provisions of the APA and that  
16 Respondent will waive other rights afforded to Respondent in  
17 connection with the hearing such as the right to present evidence  
18 in defense of the allegations in the Accusation and the right to  
19 cross-examine witnesses.

20           4. Respondent RUSSELL, pursuant to the limitations set  
21 forth below, hereby admits that the factual allegations pertaining  
22 to Respondent in Paragraphs I through III of the Accusation are  
23 true and correct and the Real Estate Commissioner shall not be  
24 required to provide further evidence of such allegations.

25           5. Without admitting the truth of the allegations  
26 pertaining to Respondent contained in Paragraphs IV through XII of  
27 the Accusation, Respondent stipulates that Respondent will not



1 interpose a defense thereto. Respondent stipulates that, for the  
2 purposes of these proceedings, and no other proceedings except any  
3 proceedings hereafter to which the Department may be a party, the  
4 Department may issue findings and determinations of issues that  
5 the acts and/or omissions of Respondent as stipulated above  
6 constitute grounds for disciplinary action as set forth herein.

7           6. No additional documentary, testimonial, or other  
8 evidence, except that which is necessary to establish  
9 Complainant's jurisdiction, shall be required to be presented by  
10 Complainant at any hearing in this proceeding in order to prove  
11 the Accusation as above stipulated.

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

22           8. Except for any cause of accusation against  
23 Respondent RUSSELL pursuant to the provisions of Section 10177.5  
24 of the Code arising out of the transaction described in Paragraphs  
25 IV through XII of the Accusation, the Order or any subsequent  
26 Order of the Real Estate Commissioner made pursuant to this  
27 Stipulation and Agreement shall not constitute an estoppel, merger



1 or bar to any further administrative or civil proceedings by the  
2 Department of Real Estate with respect to any matters which were  
3 not specifically alleged to be causes for accusation in this  
4 proceeding.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions and  
7 waivers and solely for the purpose of settlement of the pending  
8 Accusation without hearing, it is stipulated and agreed that the  
9 following Determination of Issues shall be made:

10 I

11 The acts and omissions of Respondent RUSSELL described  
12 in Paragraphs IV through XII, inclusive, of the Accusation are  
13 grounds for the suspension or revocation of the licenses and  
14 license rights of Respondent RUSSELL under the following  
15 provisions of the California Business and Professions Code  
16 (hereinafter "the Code"):

17 (a) As to Paragraphs VIII and IX, under Section  
18 10177(g) of the Code; and

19 (b) As to Paragraphs X through XII, inclusive, under  
20 Section 10176(a) of the Code.

21 ORDER

22 I

23 All licenses and licensing rights of Respondent RENWICK  
24 PENROSE RUSSELL under the Real Estate Law are revoked; provided,  
25 however, a restricted real estate broker license shall be issued  
26 to said Respondent pursuant to Section 10156.5 of the Business and

27 ///





1 Professions Code if, within ninety (90) days from the effective  
2 date of the Decision entered pursuant to this Order:

3 (a) Respondent makes application for the restricted  
4 license and pays to the Department of Real Estate  
5 the appropriate fee therefor; and

6 (b) Respondent deposits with the Department a duly  
7 executed surety bond in the sum of \$6,665.00 in a  
8 form acceptable to the Real Estate Commissioner to  
9 secure satisfaction of any money judgment entered  
10 in favor of Anne M. Angus and against Respondent in  
11 Contra Costa County Superior Court Case Number  
12 C96-03303. A surety bond substantially in the form  
13 attached hereto as Appendix "A" shall be acceptable  
14 to the Real Estate Commissioner.

15 The restricted license issued to Respondent shall be  
16 subject to all of the provisions of Section 10156.7 of the  
17 Business and Professions Code and to the following limitations,  
18 conditions and restrictions imposed under authority of Sections  
19 10156.6 and 10156.8 of that Code:

20 1. Respondent shall maintain the surety bond described  
21 above in full force and effect, and shall not, without the express  
22 written consent of the Department, cause, suffer or permit the  
23 surety bond to be released or exonerated, until the purpose for  
24 which the bond was given is fully satisfied.

25 2. The restricted license issued to Respondent may be  
26 suspended prior to hearing by Order of the Real Estate  
27 Commissioner in the event of Respondent's conviction or plea of

1 nolo contendere to a crime which is substantially related to  
2 Respondent's fitness or capacity as a real estate licensee.

3 3. The restricted license issued to Respondent may be  
4 suspended prior to hearing by Order of the Real Estate  
5 Commissioner on evidence satisfactory to the Commissioner that  
6 Respondent has violated provisions of the California Real Estate  
7 Law, the Subdivided Lands Law, Regulations of the Real Estate  
8 Commissioner or conditions attaching to the restricted license.

9 4. Respondent shall not be eligible to apply for the  
10 issuance of an unrestricted real estate license nor for the  
11 removal of any of the conditions, limitations or restrictions of a  
12 restricted license until one (1) year has elapsed from the  
13 effective date of this Decision.

14 5. Respondent shall, within nine (9) months from the  
15 effective date of the Decision, present evidence satisfactory to  
16 the Real Estate Commissioner that Respondent has, since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
20 for renewal of a real estate license. If Respondent fails to  
21 satisfy this condition, the Commissioner may order the suspension  
22 of the restricted license until the Respondent presents such  
23 evidence. The Commissioner shall afford Respondent the  
24 opportunity for a hearing pursuant to the Administrative Procedure  
25 Act to present such evidence.

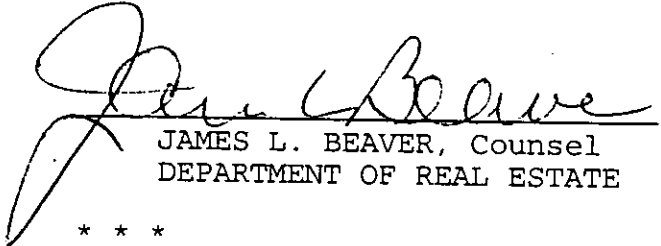
26 6. Respondent shall, within six (6) months from the  
27 issuance of the restricted license, take and pass the Professional



1 Responsibility Examination administered by the Department  
2 including the payment of the appropriate examination fee. If  
3 Respondent fails to satisfy this condition, the Commissioner may  
4 order the suspension of the restricted license until Respondent  
5 passes the examination.

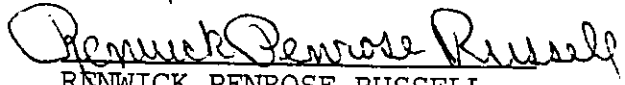
6 7. Any restricted real estate broker license issued to  
7 Respondent may be suspended or revoked for a violation by  
8 Respondent of any of the conditions attaching to the restricted  
9 license.

10  
11 November 26, 1997  
12 DATED

13   
14 JAMES L. BEAVER, Counsel  
15 DEPARTMENT OF REAL ESTATE  
16 \* \* \*

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

28  
29 NOVEMBER 18, 1997  
30 DATED

31   
32 RENWICK PENROSE RUSSELL  
33 Respondent

34 H-3289 SAC

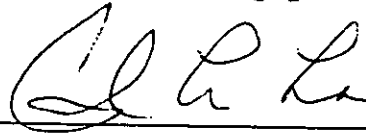
35 - 7 -

36 STIPULATION OF  
37 RENWICK PENROSE RUSSELL

1 I have reviewed the Stipulation and Agreement as to  
2 form and content and have advised my client accordingly.

3  
4 NOVEMBER 18, 1997

DATED

  
CAROL L. LERNER  
Attorney for Respondent

6 \* \* \*

7 The foregoing Stipulation and Agreement for Settlement  
8 is hereby adopted by the Real Estate Commissioner as his Decision  
9 and Order and shall become effective at 12 o'clock noon on

10 January 13, 1998

11 IT IS SO ORDERED

12/16/97  
JIM ANTT, JR.  
Real Estate Commissioner



**SURETY BOND**  
**[B&P C §10156.8]**

Bond Number: # \_\_\_\_\_  
 Premium: \$ \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

That we, RENWICK PENROSE RUSSELL as Principal, and \_\_\_\_\_ (Name of Surety), a corporation organized and doing business under and by virtue of the laws of the State of \_\_\_\_\_ and duly licensed to conduct a general Surety business in the State of California as Surety, are firmly held and bound unto ANNE M. ANGUS, 4839 Eagle Way, Concord, California, 94521, as Oblige, in the penal sum of Six Thousand Six Hundred Sixty Five and no/100ths Dollars (\$6,665.00), for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

WHEREAS:

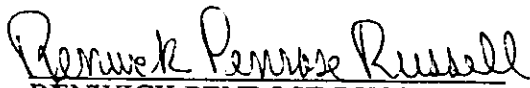
(a) The Principal and the Oblige are parties to a civil action now pending in the Superior Court of the State of California, County of Contra Costa, Case Number C96-03303 (herein "the Civil Action"); and

(b) This bond is executed, issued, furnished and otherwise given on behalf of the Principal, in compliance with Section 10156.8 of the California Business and Professions Code.

NOW THEREFORE, the condition of the obligation is such, that, if the said Principal shall fully satisfy any money judgment entered in the Civil Action in favor of the Oblige and against the Principal within thirty (30) days after such judgment becomes final, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

Surety, for value received, does hereby waive the right granted to Surety under California Civil Code Section 2845 to require that Oblige proceed independently against Principal to enforce this obligation, but reserves to itself any right under said Section 2845 to require that Oblige proceed jointly against Principal and Surety in any such action.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-In-Fact at \_\_\_\_\_, California this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

  
 RENWICK PENROSE RUSSELL  
 Principal

Name of Surety

By \_\_\_\_\_  
 Signature of Surety

FILED  
OCT 28 1997  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By Murie A. Zia

In the Matter of the Accusation of

RENWICK PENROSE RUSSELL and  
LYNETTE LOUISE DUPREE,

Case No. H-3289 SAC

OAH No. N-1997070279

Respondent

SECOND AMENDED  
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the  
Office of Administrative Hearings, 1970 Broadway, Second Floor,  
Oakland, CA 94612

on Monday through Friday, December 15 - 19, 1997, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of  
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten  
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days  
will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You  
are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent  
yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the  
Department may take disciplinary action against you based upon any express admission or other evidence including  
affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses  
testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the  
production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who  
does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The  
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 28, 1997

By James L. Beaver  
JAMES L. BEAVER Counsel

FILED  
OCT 10 1997  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

By Lucie P. Zain

In the Matter of the Accusation of

RENWICK PENROSE RUSSELL and  
LYNETTE LOUISE DUPREE,

Case No. H-3289 SAC

OAH No. N-1997070279

Respondent

FIRST AMENDED  
NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the  
Office of Administrative Hearings, 560 J Street, Suite 300,  
Sacramento, CA 95814

on Monday through Friday, December 15 - 19, 1997, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of  
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten  
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days  
will deprive you of a change in the place of the hearing.

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are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent  
yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the  
Department may take disciplinary action against you based upon any express admission or other evidence including  
affidavits, without any notice to you.

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production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who  
does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The  
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: October 10, 1997

By James L. Beaver  
JAMES L. BEAVER Counsel

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

FILED  
SEP 12 1997  
DEPARTMENT OF REAL ESTATE

By Laurie A. Zain

In the Matter of the Accusation of

RENWICK PENROSE RUSSELL and  
LYNETTE LOUISE DUPREE,

Case No. H-3289 SAC

OAH No. N-1997070279

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at the  
Office of Administrative Hearings, 501 J Street, Suite 220

(Second Floor Hearing Rooms), Sacramento, CA 95814

on Monday through Friday, December 15th - 19th, 1997, at the hour of 9:00 AM,  
or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of  
hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten  
(10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days  
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are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent  
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does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The  
interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 12, 1997

By James L. Beaver  
JAMES L. BEAVER  
Counsel



1 JAMES L. BEAVER, Counsel  
2 Department of Real Estate  
3 P. O. Box 187000  
4 Sacramento, CA 95818-7000

5 Telephone: (916) 227-0789

FILED  
JUN 16 1997  
DEPARTMENT OF REAL ESTATE

By *Laurie A. Zies*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 RENWICK PENROSE RUSSELL and )  
13 LYNETTE LOUISE DUPREE, )  
14 Respondents. )

NO. H-3289 SAC

ACCUSATION

15 The Complainant, Charles W. Koenig, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against RENWICK PENROSE RUSSELL and LYNETTE LOUISE DUPREE  
18 (hereinafter "Respondents"), is informed and alleges as follows:

19 I

20 Respondents are presently licensed and/or have license  
21 rights under the Real Estate Law, Part 1 of Division 4 of the  
22 Business and Professions Code (hereinafter "Code").

23 II

24 The Complainant, Charles W. Koenig, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation  
26 against Respondents in his official capacity.

27 ///

1 III

2 At all times herein mentioned Respondent RENWICK PENROSE  
3 RUSSELL (hereinafter "Respondent RUSSELL") was and now is licensed  
4 by the Department as a real estate broker.

5 IV

6 At all times herein mentioned Respondent LYNETTE LOUISE  
7 DUPREE (hereinafter "Respondent DUPREE") was and now is licensed  
8 by the Department as a real estate salesperson.

9 V

10 At all times herein mentioned, Respondents engaged in  
11 the business of, acted in the capacity of, advertised and assumed  
12 to act as real estate brokers in the State of California within  
13 the meaning of Section 10131(a) of the Code, including the  
14 operation and conduct of a real estate resale brokerage with the  
15 public wherein, on behalf of others, for compensation or in  
16 expectation of compensation, Respondents sold and offered to sell,  
17 bought and offered to buy, solicited prospective sellers and  
18 purchases of, solicited and obtained listings of, and negotiated  
19 the purchase and sale of real property.

20 VI

21 On or about June 16, 1994, in course of the real estate  
22 brokerage activities described in Paragraph V, above, Respondents  
23 accepted employment by Anne M. Angus (hereinafter "Buyer"), to act  
24 exclusively as Buyer's agents in negotiating Buyer's purchase of  
25 residential real property, and the residential structure situated  
26 thereon, at 4839 Eagle Way, Concord, Contra Costa County,  
27 California (hereinafter "subject property").



VII

Between on or about June 16, 1994 and June 29, 1994, in course of the employment described in Paragraph VI, above,

Respondents:

(a) Negotiated and arranged a sales agreement, whereby Buyer agreed to buy the subject property, which included a provision requiring the Seller thereof to provide Buyer, at Seller's expense, prior to close of escrow, a current written inspection report by a registered structural pest control operator covering all structures on the subject property, and to pay for all work recommended in said structural pest inspection report;

(b) Undertook to provide Buyer the structural pest inspection report described above, and to procure completion of the work recommended therein at Seller's expense;

(c) Undertook to provide Buyer, at Seller's expense, prior to close of escrow, a civil engineer's report on the structural condition of the interior and exterior of the structures on the subject property; and

(d) Arranged for escrow to close consummating the sale and purchase on or about June 29, 1994.

VIII

During the three-year period preceding the filing of this Accusation, in the course of the activities described in Paragraphs VI and VII, above, Respondents:

(a) Knew or should have known, but failed to warn Buyer that the scope of the structural pest inspection report and resulting corrective work provided by Seller to Buyer in course of

1 the transaction did not conform to the terms of the sales  
2 agreement and did not cover all the structural components of the  
3 residence that the owner thereof is obligated to maintain, repair  
4 and replace; and

5 (b) Caused, suffered and permitted escrow to close  
6 consummating Buyer's purchase of the subject property before  
7 providing Buyer the civil engineer's report on the structural  
8 condition of the interior and exterior of the residence.

9 IX

10 The acts and omissions of Respondents described in  
11 Paragraph VIII, above, demonstrated negligence or incompetence in  
12 performing acts for which such Respondents are required to hold a  
13 real estate license.

14 X

15 During the three-year period preceding the filing of  
16 this Accusation, in the course of the activities described in  
17 Paragraphs V through VIII, above, Respondents represented to Buyer  
18 that the owner of the subject property is responsible only for the  
19 maintenance, repair and replacement of the interior of the  
20 residence (herein "the representation").

21 XI

22 The representation was false. In fact, as Respondents  
23 knew or should have known in the exercise of reasonable diligence,  
24 the subject property was and now is a unit in a planned  
25 development, as defined in Civil Code Section 1351(k) (and not a  
26 unit in a condominium project, as defined in Civil Code Section  
27 1351(f)), in which the owner thereof is responsible for the



1 maintenance, repair and replacement of the entire residential  
2 structure situated thereon, subject to the obligation of the  
3 community association serving the subject property to paint,  
4 repair, replace and care for roofs, gutters, downspouts, exterior  
5 building surfaces, such wall and fence surfaces surrounding patio  
6 areas as are exposed to the elements, and any plantings on the  
7 subject property outside the residence.

8 XII

9 Respondents made the representation without a reasonable  
10 basis for believing that the representation was true. When  
11 Respondents made the representation, Respondents knew the  
12 representation was material to a decision by the Buyer to complete  
13 the purchase of the subject property. Buyer completed the  
14 purchase of the subject property in reliance on the  
15 representation.

16 XIII

17 The facts alleged above are grounds for the suspension  
18 or revocation of the licenses and license rights of Respondents  
19 under the following provisions of the Code and/or the Regulations:

20 (a) As to Paragraphs VIII and IX under Section 10177(g)  
21 of the Code; and

22 (b) As to Paragraphs X through XII, inclusive, under  
23 Section 10176(a) of the Code.

24 ///

25 ///

26 ///

27 ///



1 WHEREFORE, Complainant prays that a hearing be conducted  
2 on the allegations of this Accusation and that upon proof thereof,  
3 a decision be rendered imposing disciplinary action against all  
4 licenses and license rights of Respondents under the Real Estate  
5 Law (Part 1 of Division 4 of the Business and Professions Code),  
6 and for such other and further relief as may be proper under other  
7 provisions of law.

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9   
10 CHARLES W. KOENIG  
Deputy Real Estate Commissioner

11 Dated at Sacramento, California  
12 this 16th day of June, 1997.  
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