

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

FILED
MAY - 7 1998

DEPARTMENT OF REAL ESTATE

By *Lucie A. Zain*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 STEPHANIE ANN STADTLER,) NO. H-3344 SAC
13 Respondent.) STIPULATION AND AGREEMENT
14

15 It is hereby stipulated by and between STEPHANIE ANN
16 STADTLER (hereinafter "Respondent") and her attorney of record
17 Marvin B. Starr, and the Complainant, acting by and through
18 David A. Peters, Counsel for the Department of Real Estate, as
19 follows for the purpose of settling and disposing of the
20 Accusation filed February 19, 1998 in this matter:

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



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

5 3. On March 18, 1998, Respondent filed a Notice of
6 Defense pursuant to Section 11505 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that she waives
14 other rights afforded to her in connection with the hearing held
15 in accordance with the provisions of the APA and that she waives
16 other rights afforded to her in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understand that, as a result
23 thereof, these factual allegations, without being admitted or
24 denied, will serve as a prima facie bases for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.



1 5. It is understood by the parties that the Real
2 Estate Commissioner may adopt the Stipulation and Agreement as his
3 Decision in this matter, thereby imposing the penalty and
4 sanctions on Respondent's real estate license and license rights
5 as set forth in the below "Order". In the event that the
6 Commissioner in his discretion does not adopt the Stipulation and
7 Agreement, it shall be void and of no effect, and Respondent shall
8 retain the right to a hearing and proceeding on the Accusation
9 under all the provisions of the APA and shall not be bound by any
10 admission or waiver made herein.

11 6. The Order or any subsequent Order of the Real
12 Estate Commissioner made pursuant to this Stipulation and
13 Agreement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions and
20 waivers and solely for the purpose of settlement of the pending
21 Accusation without a hearing, it is stipulated and agreed that the
22 following determination of issues shall be made:

23 I

24 The acts and omissions of Respondent as described in
25 Paragraph IV of the Accusation are grounds for the suspension or
26 revocation of all of the real estate licenses and license rights
27 ///



1 of Respondent under the provisions of Section 10137 of the
2 Business and Professions Code.

3 ORDER

4 A. All licenses and licensing rights of Respondent
5 under the Real Estate Law are suspended for a period of sixty (60)
6 days from the effective date of this Decision; provided, however,
7 that:

8 1. Thirty (30) days of said suspension shall be stayed
9 for one (1) year upon the following terms and conditions:

10 (a) Respondent shall obey all laws, rules and
11 regulations governing the rights, duties and
12 responsibilities of a real estate licensee in the
13 State of California; and

14 (b) That no final subsequent determination be made,
15 after hearing or upon stipulation, that cause for
16 disciplinary action occurred within one (1) year
17 from the effective date of this Order. Should such
18 a determination be made, the Commissioner may, in
19 his discretion, vacate and set aside the stay order
20 and reimpose all or a portion of the stayed
21 suspension. Should no such determination be made,
22 the stay imposed herein shall become permanent.

23 2. The remaining thirty (30) days of said 60-day
24 suspension shall be stayed upon the condition that Respondent
25 petition pursuant to Section 10175.2 of the Business and
26 Professions Code and pays a monetary penalty pursuant to Section
27 10175.2 of the Business and Professions code at a rate of \$50.00



1 for each day of the suspension for a total monetary penalty of
2 \$1,500.00:

3 (a) Said payment shall be in the form of a cashier's
4 check or certified check made payable to the
5 Recovery Account of the Real Estate Fund. Said
6 check must be delivered to the Department prior to
7 the effective date of the Order in this matter.

8 (b) No further cause for disciplinary action against
9 the real estate licenses of Respondent occurs
10 within one (1) year from the effective date of the
11 decision in this matter.

12 (c) If Respondent fails to pay the monetary penalty in
13 accordance with the terms and conditions of the
14 Order, the Commissioner may, without a hearing,
15 order the immediate execution of all or any part of
16 the stayed suspension in which event the
17 Respondents shall not be entitled to any repayment
18 nor credit, prorated or otherwise, for the money
19 paid to the Department under the terms of this
20 Order.

21 (d) If Respondent pays the monetary penalty and if no
22 further cause for disciplinary action against the
23 real estate license of Respondents occurs within
24 one (1) year from the effective date of the
25 decision, the stay hereby granted shall become
26 permanent.



4/21/98

DATED

David A. Peters

DAVID A. PETERS, Counsel
DEPARTMENT OF REAL ESTATE

* * *

I have read the Stipulation and Agreement, have discussed it with my counsel 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.

4/13/98

DATED

Stephanie A. Stadler

STEPHANIE ANN STADTLER
Respondent

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

4/9/98

DATED

Marvin B. Starr

MARVIN B. STARR
Attorney for Respondent

* * *

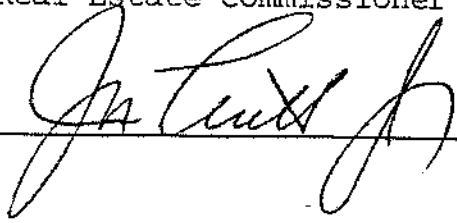
The foregoing Stipulation and Agreement for Settlement is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on May 27, 1998.



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IT IS SO ORDERED 4/27, 1998.

JIM ANTT, JR.
Real Estate Commissioner



1 DAVID A. PETERS, Counsel (SBN 99528)
2 Department of Real Estate
P. O. Box 187000
3 Sacramento, CA 95818-7000

4 Telephone: (916) 227-0789
-or- (916) 227-0781 (Direct)

FILED
FEB 19 1998
DEPARTMENT OF REAL ESTATE

Laurie A. Zain

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

10 In the Matter of the Accusation of)
11)
12 STEPHANIE ANN STADTLER,)
13 Respondent.)
_____)

NO. H-3344 SAC
ACCUSATION

14
15 The Complainant, Charles W. Koenig, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against STEPHANIE ANN STADTLER (hereinafter "Respondent"), is
18 informed and alleges as follows:

19 I

20 The Complainant, Charles W. Koenig, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 against Respondent in his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law (Part 1 of Division 4 of the
26 California Business and Professions Code) (Code), as a real estate
27 broker.



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III

Beginning on or before March 11, 1996, and continuing through on or after June 19, 1996, Respondent using the dba ReMax Accord engaged in real estate sales activities for which a real estate license is required including the selling or offering to sell, buying or offering to buy, soliciting prospective sellers or purchasers of, soliciting or obtaining listings of, or negotiating the purchase, sale or exchange of real property for or in expectation of a compensation.

IV

In connection with the real estate sales activities described in Paragraph III above, Respondent employed and/or compensated, directly or indirectly, Diane Margaret Brophy (a real estate salesperson whose license expired on December 12, 1993) (hereinafter "Brophy"), to perform acts for which a real estate license is required. Brophy performed said licensed acts and was compensated in connection with, but not limited to, the sale of the following:

<u>DATE</u>	<u>BUYER</u>	<u>SELLER(S)</u>	<u>PROPERTY</u>
06/19/96	Leslie Hughes	Richard & Bonnie Keitz	19 Zurich Court Pleasant Hill, CA

V

The acts and omissions of Respondent described above, are grounds for the suspension or revocation of Respondent's real estate broker license under Section 10137 of the Code.

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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 Respondent 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
11 Deputy Real Estate Commissioner

12 Dated at Sacramento, California,
13 this 29th day of January, 1998.
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