

FILED

JAN 20 2023

DEPARTMENT OF REAL ESTATE

By

B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ROSA R. FLORES, and CINDY L.
BREMER-BROOKS,

Respondents.

No. H-3417 FR

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between CINDY L. BREMER-BROOKS (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing of the Accusation filed on June 22, 2022, in this matter:

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

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

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 will thereby waive Respondent's right to require the Real Estate
5 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
6 held in accordance with the provisions of the APA and that Respondent will waive other rights
7 afforded to Respondent in connection with the hearing such as the right to present evidence in
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

15 5. This Stipulation and Agreement and Respondent's decision not to contest
16 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
17 are expressly limited to this proceeding and any other proceeding or case in which the
18 Department, the state or federal government, an agency of this state, or an agency of another state
19 is involved.

20 6. It is understood by the parties that the Commissioner may adopt the
21 Stipulation and Agreement as his Decision and Order in this matter thereby imposing the penalty
22 and sanctions on Respondent's real estate license and license rights as set forth in the below
23 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
24 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
25 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
26 any admission or waiver made herein.
27

1 7. This Decision and Order or any subsequent Order of the Commissioner
2 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
3 to any further administrative or civil proceedings by the Department with respect to any matters
4 which were not specifically alleged in Accusation H-3417 FR.

5 DETERMINATION OF ISSUES

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

9 I

10 The acts and/or omissions of Respondent as described in Paragraph 18 of the
11 Accusation violate Section 10130 of the Business and Professions Code (Code) in conjunction
12 with Section 10177(g) of the Code.

13 ORDER

14 All licenses and licensing rights of Respondent CINDY L. BREMER-BROOKS
15 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
16 license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent
17 makes application therefor and pays to the Department the appropriate fee for the restricted
18 license within 90 days from the effective date of this Decision and Order. The restricted license
19 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and
20 to the following limitations, conditions and restrictions imposed under authority of Section
21 10156.6 of that Code:

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

26 2. The restricted license issued to Respondent may be suspended prior to
27 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that

1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
3 license.

4 3. Respondent shall not be eligible to apply for the issuance of an
5 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
6 of a restricted license until two (2) years have elapsed from the effective date of this Decision
7 and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all
8 restrictions attaching to the license have been removed.

9 4. Respondent shall submit with any application for license under an
10 employing broker, or any application for transfer to a new employing broker, a statement signed
11 by the prospective employing real estate broker on a form approved by the Department which
12 shall certify:

13 (a) That the employing broker has read the Decision and Order of the
14 Commissioner which granted the right to a restricted license; and

15 (b) That the employing broker will exercise close supervision over the
16 performance by the restricted licensee relating to activities for which a real
17 estate license is required.

18 5. Respondent shall, within nine (9) months from the effective date of this
19 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
20 since the most recent issuance of an original or renewal real estate license, taken and successfully
21 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
22 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
23 Respondent's real estate license shall automatically be suspended until Respondent presents
24 evidence satisfactory to the Commissioner of having taken and successfully completed the
25 continuing education requirement.

26 6. Respondent shall notify the Commissioner in writing within 72 hours of
27 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,

1 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
2 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
3 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
4 constitute an independent violation of the terms of the restricted license and shall be grounds for
5 the suspension or revocation of that license.

6 7. All licenses and licensing rights of Respondent are indefinitely suspended
7 unless or until Respondent pays the sum of \$3,000 for the Commissioner's reasonable cost of
8 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
9 the form of a cashier's check made payable to the Department of Real Estate. The investigative
10 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.
11 Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and
12 Order.

13
14 14 November 2022

15 DATED



16 TRULY SUGHRUE, Counsel
17 DEPARTMENT OF REAL ESTATE

18 I have read the Stipulation and Agreement, and its terms are understood by me
19 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
20 California Administrative Procedure Act, and I willingly, intelligently and voluntarily waive
21 those rights, including the right of requiring the Commissioner to prove the allegations in the
22 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
23 and to present evidence in defense and mitigation of the charges.

24 Respondent further agrees to send the original signed Stipulation and Agreement
25 by mail to the following address no later than one (1) week from the date the Stipulation and
26 Agreement is signed by Respondent: *Department of Real Estate, Legal Section, P.O. Box*
27 *137007, Sacramento, California 95813-7007*. Respondent understands and agrees that if he fails

1 to return the original signed Stipulation and Agreement by the due date, Complainant retains the
2 right to set this matter for hearing.

3
4 11/08/2022

5 DATED



CINDY L. BREMER-BROOKS
Respondent

6 ***

7 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
8 Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on
9 **FEB 10 2023**

10 IT IS SO ORDERED

1.6.23

11
12 DOUGLAS R. McCAULEY
13 REAL ESTATE COMMISSIONER

14 
15
16
17
18
19
20
21
22
23
24
25
26
27