

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

4 Telephone: (916) 576-8700

FILED

JUN 20 2024

DEPARTMENT OF REAL ESTATE
By B. A. dallas

5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 JOE ALLEN TOPPER,)

13 Respondent.)

No. H-3544 FR

STIPULATION AND
AGREEMENT TO
SURRENDER

14 It is hereby stipulated by and between JOE ALLEN TOPPER (Respondent),
15 and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of
16 Real Estate (Department), as follows for the purpose of settling and disposing of the
17 Accusation filed on May 1, 2024, in this matter:

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

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

26 ///

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 her 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 her 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 Department with respect to any matters which were not specifically
19 alleged in Accusation H-3544 FR.

20 DECLARATION OF JOE ALLEN TOPPER

21 In lieu of proceeding in this matter in accordance with the provisions of the APA,
22 I, JOE ALLEN TOPPER, wish to voluntarily surrender my real estate license(s) issued by the
23 Department, 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 Department in
11 this matter prior to the Commissioner's acceptance, and all allegations contained in the
12 Accusation filed in the Department Case No. H-3544 FR may be considered by the Department
13 to be true and correct for the purpose of deciding whether to grant re-licensure or reinstatement
14 pursuant to 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 Respondent's petition for voluntary surrender of his real estate broker license is
21 accepted as of the effective date of this Order as set forth below, based upon the understanding
22 and agreement expressed in Respondent's Declaration incorporated herein as part of this
23 Stipulation. Respondent's license certificates, pocket cards and any branch office license
24 certificates shall be sent to the below listed address so that they reach the Department on or
25 before the effective date of this Order:

DEPARTMENT OF REAL ESTATE
Attn: Licensing Flag Section
P. O. Box 137013
Sacramento, CA 95813-7013

29 May 2024

DATED

Truly Sughrue

TRULY SUGHRUE

Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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, 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.

Respondent and Respondent's attorney further agree to send the original signed Stipulation and Agreement by mail to the following address no later than one (1) week from the date the Stipulation and Agreement is signed by Respondent and Respondent's attorney:

Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007. Respondent and Respondent's attorney understand and agree that if they fail to return the original signed Stipulation and Agreement by the due date, Complainant retains the right to set this matter for hearing.

25 MAY 2024

DATED

Joe Allen Topper
JOE ALLEN TOPPER
Respondent

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

05 / 29 / 2024

Steven C. Vondran

DATED

STEVE VONDRAN
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on JUL 11 2024.

IT IS SO ORDERED

6/17/2024

CHIKA SUNQUIST
Real Estate Commissioner

