

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4  
5 Telephone: (916) 227-0781  
6

FILED

FEB 8 2008

DEPARTMENT OF REAL ESTATE

By R. Henry

7 BEFORE THE DEPARTMENT OF REAL ESTATE  
8 STATE OF CALIFORNIA

9 \* \* \*

10 In the Matter of the Accusation of )  
11 KATHLEEN ANN STEWART, ) No. H-3761 SD  
12 Respondent. ) STIPULATION AND  
13 ) AGREEMENT

14 It is hereby stipulated by and between KATHLEEN ANN  
15 STEWART (hereinafter "Respondent") and the Complainant, acting by  
16 and through Truly Sughrue, Counsel for the Department of Real  
17 Estate, as follows for the purpose of settling and disposing of  
18 the Accusation filed on December 18, 2007 in this matter:

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

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.    Respondent filed a Notice of Defense pursuant to  
6 Section 11505 of the Government Code for the purpose of  
7 requesting a hearing on the allegations in the Accusation.  
8 Respondent hereby freely and voluntarily withdraws said Notice of  
9 Defense. Respondent acknowledges that he will thereby waive his  
10 right to require the Commissioner to prove the allegations in the  
11 Accusation at a contested hearing held in accordance with the  
12 provisions of the APA and that he will waive other rights  
13 afforded to him in connection with the hearing such as the right  
14 to present evidence in defense of the allegations in the  
15 Accusation and the right to cross-examine witnesses.

16           4.    Respondent, pursuant to the limitations set forth  
17 below, hereby admits that the factual allegations of the  
18 Accusation filed in this proceeding are true and correct and the  
19 Real Estate Commissioner shall not be required to provide further  
20 evidence to prove such allegations

21           5.    It is understood by the parties that the Real  
22 Estate Commissioner may adopt the Stipulation and Agreement as  
23 his decision in this matter thereby imposing the penalty and  
24 sanctions on Respondent's real estate license and license rights  
25 as set forth in the below "Order". In the event that the  
26 Commissioner in his discretion does not adopt the Stipulation and  
27 Agreement in Settlement, it shall be void and of no effect, and




1 appropriate fee for the restricted license within 90 days from  
 2 the effective date of this Decision. The restricted license  
 3 issued to Respondent shall be subject to all of the provisions of  
 4 Section 10156.7 of the Business and Professions Code an to the  
 5 following limitations, conditions and restrictions imposed under  
 6 authority of Section 10156.6 of that Code:

7 1. The restricted license issued to Respondent may be  
 8 suspended prior to hearing by Order of the Real Estate  
 9 Commissioner in the event of Respondent's conviction or plea of  
 10 nolo contendere to a crime which is substantially related to  
 11 Respondent's fitness or capacity as a real estate licensee.

12 2. The restricted license issued to Respondent may be  
 13 suspended prior to hearing by Order of the Real Estate  
 14 Commissioner on evidence satisfactory to the Commissioner that  
 15 Respondent has violated provisions of the California Real Estate  
 16 Law, the Subdivided Lands Law, Regulations of the Real Estate  
 17 Commissioner or conditions attaching to the restricted license.

18 3. Respondent shall not be eligible to apply for the  
 19 issuance of an unrestricted real estate license nor for removal  
 20 of any of the conditions, limitations or restrictions of a  
 21 restricted license until two years have elapsed from the  
 22 effective date of this Decision.

23  
 24 24-Jan-08  
 25 DATED

23  
  
 25 Trudy Sughrue, Counsel  
 DEPARTMENT OF REAL ESTATE

26 \* \* \*

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

12  
 13 1-24-08  
 14 DATED

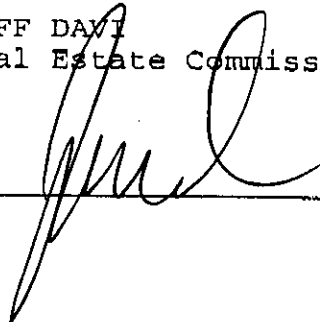
Kathleen Ann Stewart  
 KATHLEEN ANN STEWART  
 Respondent

15  
 16 \* \* \*

17 The foregoing Stipulation and Agreement is hereby  
 18 adopted by the Real Estate Commissioner as his Decision and Order  
 19 and shall become effective at 12 o'clock noon on  
 20 FEB 28 2008, 2008.

21 IT IS SO ORDERED 2-5, 2008.

22 JEFF DAVIS  
 23 Real Estate Commissioner

24   
 25  
 26  
 27

FLAG

**FILED**

DEC 18 2007

DEPARTMENT OF REAL ESTATE

By *L. [Signature]*

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2 State Bar No. 223266  
3 Department of Real Estate  
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6  
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

11	In the Matter of the Accusation of	)	H-3761 SD
12		)	
13	KATHLEEN ANN STEWART,	)	<u>ACCUSATION</u>
14		)	
15	Respondent.	)	

15 The Complainant, JOSEPH AIU, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against KATHLEEN ANN STEWART (hereinafter "Respondent"), is  
18 informed and alleges as follows:

I

20 The Complainant, JOSEPH AIU, a Deputy Real Estate  
21 Commissioner of the State of California, makes this Accusation in  
22 his official capacity.

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 Business and Professions Code) (Code) as a real estate broker.

27 ///

III

1 On or about October 25, 2005, in the Superior Court,  
2 County of San Diego, Respondent was convicted of a violation of  
3 Section 484 of the California Penal Code (Theft), a misdemeanor  
4 and crime involving moral turpitude which bears a substantial  
5 relationship under Section 2910, Title 10, California Code of  
6 Regulations, to the qualifications, functions, or duties of a  
7 real estate licensee.  
8

IV

9 The facts alleged above constitute cause under Sections  
10 490 and 10177(b) of the Code for suspension or revocation of all  
11 licenses and license rights of Respondent under the Real Estate  
12 Law.  
13

14 WHEREFORE, Complainant prays that a hearing be  
15 conducted on the allegations of this Accusation and that upon  
16 proof thereof, a decision be rendered imposing disciplinary  
17 action against all licenses and license rights of Respondent  
18 under the Real Estate Law (Part 1 of Division 4 of the Business  
19 and Professions Code), and for such other and further relief as  
20 may be proper under the provisions of law.  
21

22  
23   
JOSEPH AIU  
Deputy Real Estate Commissioner

24 Dated at San Diego, California,  
25 this 13 day of December, 2007  
26  
27