

**FILED**

OCT 25 2013

**BUREAU OF REAL ESTATE**

By *S. Ferrante*

1 DEPARTMENT OF REAL ESTATE  
2 P. O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789  
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9 BEFORE THE DEPARTMENT OF REAL ESTATE  
10 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of )  
13 CAL-PROP MANAGEMENT INC. and ) NO. H-4249 SD  
14 RICHARD NEIL THORNTON, ) STIPULATION AND AGREEMENT  
15 Respondents. )

16 It is hereby stipulated by and between Respondents CAL-PROP  
17 MANAGEMENT INC. and RICHARD NEIL THORNTON (collectively referred to herein as  
18 "Respondents"), acting by and through Adam Slote, Esq., Counsel for Respondents, and the  
19 Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Department of  
20 Real Estate ("Department"), as follows for the purpose of settling and disposing of the  
21 Accusation filed on December 3, 2011, in this matter:

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

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H-4249 SD

1                   2.       Respondents have received, read and understand the Statement to  
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department  
3 in this proceeding.

4                   3.       Respondents filed a Notice of Defense pursuant to Section 11505 of the  
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
7 acknowledge that Respondents understand that by withdrawing said Notice of Defense,  
8 Respondents will thereby waive Respondents' right to require the Real Estate Commissioner  
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
10 accordance with the provisions of the APA and that Respondents will waive other rights  
11 afforded to Respondents in connection with the hearing such as the right to present evidence in  
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13                   4.       This Stipulation is based on the factual allegations contained in the  
14 Accusation. In the interest of expedience and economy, Respondents choose not to contest these  
15 factual allegations, but to remain silent and understand that, as a result thereof, these factual  
16 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set  
17 forth below. The Commissioner shall not be required to provide further evidence to prove such  
18 allegations.

19                   5.       This Stipulation and Respondents' decision not to contest the Accusation  
20 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly  
21 limited to this proceeding and any other proceeding or case in which the Department, the state or  
22 federal government, an agency of this state, or an agency of another state is involved.

23                   6.       It is understood by the parties that the Commissioner may adopt the  
24 Stipulation and Agreement as his decision in this matter, thereby imposing the penalty and  
25 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order"  
26 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and

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I.

The acts and omissions of Respondent CAL-PROP MANAGEMENT INC., as described in the Accusation are grounds for the suspension or revocation of CAL-PROP MANAGEMENT INC.'s licenses and license rights under the provisions of Sections 10145, 10177(d), and 10177(g) of the Code, and Sections 2831.2, 2832.1, and 2834 of Title 10 of the California Code of Regulations ("the Regulations").

II.

The acts and omissions of Respondent RICHARD NEIL THORNTON as described in the Accusation are grounds for the suspension or revocation of RICHARD NEIL THORNTON's licenses and license rights under the provisions of Sections 10159.2, 10177(d), 10177(g), and 10177(h) of the Code.

ORDER

I.

1. The corporate real estate broker license and license rights of Respondent CAL-PROP MANAGEMENT INC. ("CPMI") are hereby revoked; provided, however, a restricted corporate real estate broker license shall be issued to CPMI pursuant to Section 10156.6 of the Code, if CPMI makes application therefore and pays to the Department of Real Estate the appropriate fee for said license within ninety (90) days from the effective date of this Decision.

2. The restricted license issued to CPMI shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

a. The restricted license issued to CPMI may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that CPMI has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted license.

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1                    a. One-Hundred-and-Twenty (120) days of said suspension shall be  
2 stayed for two (2) years upon the following terms and conditions:

3                    i. Respondent shall obey all laws, rules and  
4 regulations governing the rights, duties and responsibilities of a real estate licensee in the State  
5 of California; and

6                    ii. That no final subsequent determination be made,  
7 after hearing or upon stipulation that cause for disciplinary action occurred within two (2)  
8 years from the effective date of this Order. Should such a determination be made, the  
9 Commissioner may, in his discretion, vacate and set aside the stay order and re-impose all or a  
10 portion of the stayed suspension. Should no such determination be made, the stay imposed  
11 herein shall become permanent.

12                    b. One-Hundred-and-Twenty (120) days of said suspension shall be  
13 stayed, upon the condition that THORNTON petitions pursuant to Section 10175.2 of the  
14 Code and pays a monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00  
15 for each day of the suspension for a total monetary penalty of \$6,000.00.

16                    i. Said payment shall be in the form of a cashier's  
17 check or certified check made payable to the Consumer Recovery Account of the Real Estate  
18 Fund. Said check must be delivered to the Department prior to the effective date of the  
19 Decision in this matter.

20                    ii. No further cause for disciplinary action against  
21 the real estate license of THORNTON occurs within two (2) years from the effective date of  
22 the decision in this matter.

23                    iii. If THORNTON fails to pay the monetary penalty  
24 in accordance with the terms and conditions of the Decision, the Commissioner may, without a  
25 hearing, order the immediate execution of all or any part of the stayed suspension, in which  
26 event, THORNTON shall not be entitled to any repayment nor credit, prorated or otherwise,  
27 for money paid to the Department under the terms of this decision.







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I have read the Stipulation and Agreement 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. Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondents, to the Department at fax number (916) 227-9458. Respondents agree, acknowledge and understand that by electronically sending to the Department a fax copy of Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of the faxed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation and Agreement.

12-19-2012

DATED



RICHARD NEIL THORNTON, Respondent

12-19-2012

DATED



RICHARD NEIL THORNTON, As Designated Officer of Respondent CAL-PROP MANAGEMENT INC.

\* \* \*

*I have reviewed this Stipulation and Agreement and Order as to form and content and have advised my clients accordingly.*

December 19, 1012

DATED

Digitally signed by Adam G. Sloie  
DN: cn=Adam G. Sloie, o=Sloie & Links, ou,  
email=adam@slotelaw.com, c=US  
Date: 2012.12.19 08:52:04 -08'00



Adam Sloie, Esq., Attorney for Respondents  
CAL-PROP MANAGEMENT INC. and  
RICHARD NEIL THORNTON

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondents CAL-PROP MANAGEMENT INC. and RICHARD  
NEIL THORNTON, and shall become effective at 12 o'clock noon on  
**NOV 14 2013**

IT IS SO ORDERED 11/28/13

Real Estate Commissioner



By AWET P. KIDANE  
Chief Deputy Commissioner