

1 BUREAU OF REAL ESTATE  
2 P. O. Box 137007  
3 Sacramento, CA 95813-7007

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**FILED**

DEC - 6 2013

BUREAU OF REAL ESTATE

By K. Contreras

11 BEFORE THE  
12 BUREAU OF REAL ESTATE  
13 STATE OF CALIFORNIA

14 \* \* \*

15 In the Matter of the Accusation of )

NO. H-4325 SD

16 SPIRIT INTERNATIONAL, INC., )  
17 SALLY ANN RAYMOND and )  
18 MAXINE ROSE ANDERSON, )

STIPULATION AND AGREEMENT

19 Respondents. )  
20 )

21 It is hereby stipulated by and between Respondent MAXINE ROSE ANDERSON  
22 ("Respondent") and her attorney, James Byrnes, and the Complainant, acting by and through  
23 JOHN W. BARRON, Counsel for the Bureau of Real Estate, as follows for the purpose of  
24 settling and disposing of the Accusation filed on April 20, 2012, in this matter:

25 1. All issues which were to be contested and all evidence which was to be  
26 presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing  
27 was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),

1 shall instead and in place thereof be submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

3           2. Respondent has received, read and understands the Statement to Respondent,  
4 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate (the  
5 "Bureau") in this proceeding.

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

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

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

24           6. The Order or any subsequent Order of the Commissioner made pursuant to  
25 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further  
26  
27





1 for the issuance of the restricted license; and,

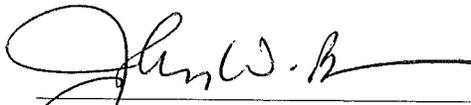
2 (b) That the employing broker will carefully review all transaction documents  
3 prepared by the restricted licensee and otherwise exercise close supervision over the licensee's  
4 performance of acts for which a license is required.

5 3. All licenses and licensing rights of Respondent are indefinitely  
6 suspended unless or until Respondent provides evidence to the Commissioner sufficient to  
7 demonstrate that she has paid to Lee Spencer \$2,835 as a refund for unlawfully collecting a  
8 commission, as set forth in the Accusation.

9 4. Respondent shall, within six (6) months from the effective date of this  
10 Order, take and pass the Professional Responsibility Examination administered by the  
11 Department, including the payment of the appropriate examination fee. If Respondent fails to  
12 satisfy this condition, the Commissioner may order the suspension of all licenses and licensing  
13 rights of Respondent until Respondent passes the examination.

14 5. All licenses and licensing rights of Respondent are indefinitely  
15 suspended unless or until Respondent pays the sum of \$217.00 representing one-third of the  
16 Commissioner's reasonable cost of the investigation and enforcement which led to this  
17 disciplinary action. Said payment shall be in the form of a cashier's check or certified check  
18 made payable to the Real Estate Fund. Said check must be received by the Bureau prior to the  
19 effective date of the Order in this matter.

20  
21 10/4/13  
22 DATED

20  
21   
22 JOHN W. BARRON, Counsel  
23 Bureau of Real Estate

24 \* \* \*

25 I have read the Stipulation and Agreement and its terms are understood by me  
26 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
27

1 the California Administrative Procedure Act (including but not limited to Sections 11506,  
2 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
3 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
4 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
5 witnesses against me and to present evidence in defense and mitigation of the charges.

6  
7 Sept 23, 2013  
8 DATED

Maxine Rose Anderson  
MAXINE ROSE ANDERSON, Respondent

9 \* \* \*

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

12  
13 Sept 24 2013  
14 DATED

JAMES BYRNES  
Attorney for Respondent

15 \* \* \*

16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
17 this matter and shall become effective at 12 o'clock noon on JAN - 6 2014, 2013.

18 IT IS SO ORDERED NOVEMBER 7, 2013.

19  
20 Real Estate Commissioner

Jeffrey Mason

21  
22  
23 By: JEFFREY MASON  
24 Chief Deputy Commissioner