

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

4 Telephone: (916) 263-8670
5
6
7

FILED

FEB 11 2014

BUREAU OF REAL ESTATE

By K. Contreras

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 MJB COMMUNICATIONS, and)
14 JASON SCOTT STRODER,)
15 Respondents.)

NO. H-4416 SD

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
(As to Jason Scott Stroder, Only)

16 It is hereby stipulated by and between Respondent JASON SCOTT STRODER,
17 (“Respondent”), and his attorney, Frank M. Buda, and the Complainant, acting by and through
18 John W. Barron, Counsel for the Bureau of Real Estate (“the Bureau”), as follows for the purpose
19 of settling and disposing of the First Amended Accusation filed on February 28, 2013, in this
20 matter:

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

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

1 3. A Notice of Defense was filed on October 22, 2012, by Respondent, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense, he
5 will thereby waive his right to require the Real Estate Commissioner ("Commissioner") to prove
6 the allegations in the Accusation at a contested hearing held in accordance with the provisions of
7 the APA and that he will waive other rights afforded to him in connection with the hearing such
8 as the right to present evidence in defense of the allegations in the Accusation and the right to
9 cross-examine witnesses.

10 4. This Stipulation and Agreement in Settlement and Order is based on the factual
11 allegations contained in the Accusation. In the interests of expedience and economy, Respondent
12 chooses not to contest these allegations at hearing, but rather understands that, as a result thereof,
13 these allegations, without being admitted or denied, will serve as a prima facie basis for the
14 disciplinary action stipulated to herein. The Commissioner shall not be required to provide
15 further evidence to prove said factual allegations.

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

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

1 7. The Order or any subsequent Order of the Commissioner made pursuant to
2 this Stipulation and Agreement in Settlement and Order shall not constitute an estoppel,
3 merger, or bar to any further administrative or civil proceedings by the Bureau with respect
4 to any matters which were not specifically alleged to be causes for accusation in this
5 proceeding.

6 8. Respondent understands that by agreeing to this Stipulation and Agreement,
7 Respondent agrees to pay, pursuant to Section 10148 of the California Business and Professions
8 Code ("the Code"), the cost of the audit which resulted in the determination that Respondent
9 committed the violation(s) found in the Determination of Issues. The amount of such costs is
10 \$5,800.50.

11 9. Respondent further understands that by agreeing to this Stipulation and
12 Agreement, the findings set forth below in the Determination of Issues becomes final, and the
13 Commissioner may charge Respondent for the costs of any audit conducted pursuant to Section
14 10148 of the Code to determine if the violations have been corrected. The maximum cost of said
15 audit shall not exceed \$5,800.50.

DETERMINATION OF ISSUES

16 The acts and omissions of Respondent as described in the Accusation are grounds
17 for the suspension or revocation of the license and license rights of Respondent under Sections
18 10085 (advance fee agreements), 10085.5 (collection of advance fees), 10145 (trust fund
19 handling), 10146 (deposit of advance fees into trust account), 10159.2 (broker supervision),
20 10176(e) (commingling), 10177(d) (willful disregard/violation of Real Estate Law) and/or
21 10177(g) (negligence/incompetence), and 10177(h) (broker supervision) of the Code; Section
22 2944.7 (prohibition of advance fees) and/or 2945.4 (prohibited acts) of the California Civil Code;
23 and Sections 2725 (broker supervision), 2831 (trust fund records), 2831.1 (maintenance of
24 separate records for each beneficiary/transactions), 2835 (commingling), 2970 (advance fee
25 materials) and 2972 (accounting content) of Chapter 6, Title 10, California Code of Regulations
26 ("the Regulations").
27

1 ORDER

2 All licenses and licensing rights of Respondent under the Real Estate Law are
3 suspended for a period of sixty (60) days from the effective date of this Order; provided,
4 however, that:

5 1. Forty-five (45) days of said suspension shall be stayed for two (2) years
6 upon the following terms and conditions:

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

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

13 Should no such determination be made, the stay imposed herein shall become permanent.

14 2. The remaining fifteen (15) days of said suspension shall be stayed, upon the
15 condition that Respondent petitions pursuant to Section 10175.2 of the Code and pays a
16 monetary penalty pursuant to Section 10175.2 of the Code at a rate of \$50.00 for each of the
17 remaining 15-days of suspension for a total monetary penalty of \$750.00.

18 a. Said payment shall be in the form of a cashier's check or certified check
19 made payable to the Consumer Recovery Account of the Real Estate Fund. Said check must be
20 received by the Bureau prior to the effective date of the Decision in this matter.

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

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

1 d. If Respondent pays the monetary penalty, and if no further cause for
2 disciplinary action against the real estate license of Respondent occurs within two (2) years from
3 the effective date of the Decision herein, then the stay hereby granted shall become permanent.

4 3. Respondent shall pay the sum of \$5,800.50 for the Commissioner's costs of
5 the audit which led to this disciplinary action. Respondent shall pay such cost within sixty (60)
6 days of receiving an invoice therefore from the Commissioner. If Respondent fails to satisfy this
7 condition in a timely manner as provided herein, or as provided for in a subsequent agreement
8 between the Respondent and the Commissioner, Respondent's real estate license shall
9 automatically be suspended until payment is made in full or until Respondent enters into an
10 agreement satisfactory to the Commissioner to provide for payment, or until a decision providing
11 otherwise is adopted following a hearing held pursuant to this condition.

12 4. Respondent shall pay the Commissioner's costs, not to exceed \$5,800.50, of
13 any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
14 corrected the violations described in the Determination of Issues. In calculating the amount of
15 the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly
16 salary for all persons performing audits of real estate brokers, and shall include an allocation for
17 travel time to and from the auditor's place of work. Respondent shall pay such cost within sixty
18 (60) days of receiving an invoice therefore from the Commissioner. If Respondent fails to satisfy
19 this condition in a timely manner as provided for herein, or as provided for in a subsequent
20 agreement between Respondent and Commissioner, Respondent's real estate license shall
21 automatically be suspended until payment is made in full or until Respondent enters into an
22 agreement satisfactory to the Commissioner to provide for payment.

23 5. Respondent, within six (6) months from the effective date of this Order, shall
24 take and pass the Professional Responsibility Examination administered by the Bureau, including
25 the payment of the appropriate examination fee. If Respondent fails to satisfy this condition,
26 Respondent's real estate license shall automatically be suspended until Respondent passes the
27 examination.

1 6. Notwithstanding any other provision of this Order, all licenses and licensing
2 rights of Respondent are indefinitely suspended unless and until he provides proof satisfactory to
3 the Commissioner that he has taken and successfully completed the continuing education course
4 on Trust Fund Accounting and Handling specified in Section 10170.5(a)(3) of the Code. The
5 course must have been completed no earlier than one hundred twenty (120) days prior to the
6 effective date of this Order, and proof must be submitted prior to the effective date of this Order,
7 to prevent suspension of Respondent's license pursuant to this condition.

8
9 12/31/13

DATED

Richard K. Uno
BY: *John W. Barron*

JOHN W. BARRON, Counsel
BUREAU OF REAL ESTATE

11 ***

12 I have read the Stipulation and Agreement in Settlement and Order and its terms
13 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
14 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
15 11509 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
16 those rights, including the right of requiring the Commissioner to prove the allegations in the
17 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
18 and to present evidence in defense and mitigation of the charges.

19
20 12/20/2013

DATED

Jason Scott Stroder
JASON SCOTT STRODER, Respondent

22 ***

23 I have reviewed this Stipulation and Agreement In Settlement and Order as to
24 form and content and have advised my client accordingly.

25 12-27-2013

DATED

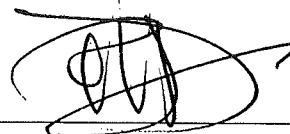
Frank M. Buda
FRANK M. BUDA
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
MAR 13 2014.

IT IS SO ORDERED FEB 04 2014.

REAL ESTATE COMMISSIONER



By: **JEFFREY MASON**
Chief Deputy Commissioner