

1 Bureau of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013
4 (213) 576-6982

FILED

MAY 26 2015

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

11 In the Matter of the Accusation of) No. H-04549 SD
12)
13 ROBERT BRYAN KLAUS,)
14)
15 Respondent.)
16) STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between ROBERT BRYAN KLAUS (hereinafter
18 "Respondent") and his attorney, Jessica C. McElfresh, and the Complainant, acting by and
19 through Julie L. To, Counsel for the Bureau of Real Estate, as follows for the purpose of settling
20 and disposing of the Accusation filed on December 19, 2013, in this 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

27 CALBRE STIPULATION & AGREEMENT – H-04549 SD

1 Stipulation and Agreement.

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

5 3. On January 2, 2014, Respondent filed a Notice of Defense pursuant to Section
6 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
8 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
9 will thereby waive his right to require the Commissioner to prove the allegations in the
10 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
11 will waive other rights afforded to him in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.
14
15

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

20 5. Respondent understands that by agreeing to this Stipulation and Agreement,
21 Respondent agrees to pay, pursuant to Section 10106 of the California Business and Professions
22 Code (Code), the cost of the investigation and enforcement which resulted in the determination
23 that Respondent committed the violations found in the Determination of Issues. The amount of
24 said costs is \$2,199.20.

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1 6. It is understood by the parties that the Real Estate Commissioner may adopt
2 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
3 sanctions on Respondent's real estate license and license rights as set forth in the below
4 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation and
5 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
6 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
7 any admission or waiver made herein.
8

9 7. The Order or any subsequent Order of the Real Estate Commissioner made
10 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
11 further administrative or civil proceedings by the Bureau of Real Estate with respect to any
12 matters which were not specifically alleged to be causes for accusation in this proceeding.
13

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and waivers and solely for
16 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
17 agreed that the following determination of issues shall be made:

18 The conduct of Respondent, as set forth in the Accusation constitutes grounds for
19 suspension or revocation of Respondent's real estate broker license under the
20 provisions of Sections 490, 10177(b), and 10186.2 of the Business and Professions Code.
21

22 ORDER

23 WHEREFORE, THE FOLLOWING ORDER is hereby made:

24 All licenses and licensing rights of Respondent ROBERT BRYAN KLAUS
25 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
26

1 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
2 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
3 fee for the restricted license within 90 days from the effective date of this Decision. The
4 restricted license issued to Respondent shall be subject to all of the provisions of Section
5 10156.7 of the Business and Professions Code and to the following limitations, conditions and
6 restrictions imposed under authority of Section 10156.6 of the Code:
7

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

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

18 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
19 real estate license nor for the removal of any of the conditions, limitations or restrictions
20 of a restricted license until two (2) years have elapsed from the effective date of this Decision.
21

22 4. Respondent shall, within nine months from the effective date of this Decision,
23 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate license, taken and successfully
25 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
26

1 Law for renewal of a real estate license. If Respondent fails to satisfy the condition, the
2 Commissioner may order the suspension of the restricted license until the Respondent presents
3 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing
4 pursuant to the Administrative Procedure Act to present such evidence.

5 5. Respondent shall notify the Commissioner in writing within 72 hours of any
6 arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office
7 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
8 arrest, the crime for which Respondent was arrested and the name and address of the arresting
9 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
10 independent violation of the terms of the restricted license and shall be grounds for the
11 suspension or revocation of that license.
12

13
14 6. All licenses and licensing rights of Respondent ROBERT BRYAN KLAUS are
15 indefinitely suspended unless or until Respondent pays the sum of \$2,199.20 for 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 made payable to the
18 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
19 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
20 effective date of this Order.

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1 (a) If Respondent ROBERT BRYAN KLAUS fails to satisfy this condition, the
2 Commissioner shall order the suspension of the restricted license until the Respondent presents
3 evidence of payment. The Commissioner shall afford Respondent the opportunity for a hearing
4 pursuant to the Administrative Procedure Act to present such evidence that payment was timely
5 made. The suspension shall remain in effect until payment is made in full or until a decision
6 providing otherwise is adopted following a hearing held pursuant to this condition.

7
8 DATED: 5-6-15



JULIE L. TO, Counsel for Complainant

* * *

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

20 Respondent can signify acceptance and approval of the terms and conditions of
21 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
22 Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges
23 and understands that by electronically sending to the Bureau a fax copy of his actual signature as
24 it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall
25

1 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
2 Agreement.

3
4 DATED: _____

5 ROBERT BRYAN KLAUS, Respondent

6 * * *

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

9
10
11 DATED: _____

12 Jessica C. McElfresh, Attorney for Respondent

13 * * *

14 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this
15 matter and shall become effective at 12 o'clock noon on _____.

16 IT IS SO ORDERED _____.

17
18 REAL ESTATE COMMISSIONER

1 be as binding on Respondent as if the Bureau had received the original signed Stipulation and
2 Agreement.

3
4 DATED: 5/5/15



ROBERT BRYAN KLAUS, Respondent

5
6 * * *

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



9
10 DATED: 5/5/15

Jessica C. McElfresh, Attorney for Respondent

11
12 * * *

13
14 The foregoing Stipulation and Agreement is hereby adopted as my Decision in this
15 matter and shall become effective at 12 o'clock noon on ~~JUN~~ 15 2015.

16 IT IS SO ORDERED MAY 18, 2015

17
18 REAL ESTATE COMMISSIONER



19
20
21 By: JEFFREY MASON
22 Chief Deputy Commissioner

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25
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27 CALBRE STIPULATION & AGREEMENT -- H-04549 SD