

FLAG

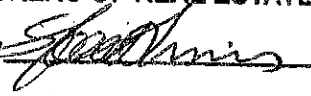
Bureau of Real Estate
320 W. 4th St., Room 350
Los Angeles, California 90013

Telephone: (213) 576-6982

FILED

OCT 16 2015

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-4596 SD
)	H-4655 SD
CHRISTOPHER JOHN-ALLEN)	
HONEYCUTT,)	<u>STIPULATION AND AGREEMENT</u>
)	
)	
)	
)	
)	
Respondent.)	
)	

It is hereby stipulated by and between CHRISTOPHER JOHN-ALLEN HONEYCUTT (sometimes referred to as Respondent), and his attorney, Mary E. Work, and the Complainant, acting by and through James R. Peel, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of Accusation H-4596 SD filed on February 28, 2014 and H-4655 SD filed June 27, 2014, in this matter.

1. All issues which were contested and all evidence which was presented by Complainant and Respondent at a formal

1 hearing on the Accusations, which hearing is to be held in
2 accordance with the provisions of the Administrative Procedure
3 Act ("APA"), shall instead and in place thereof be submitted
4 solely on the basis of the provisions of this Stipulation and
5 Agreement ("Stipulation").

6 2. Respondent has received, read and understands the
7 Statement to Respondent, the Discovery Provisions of the
8 Administrative Procedure Act ("APA") and the Accusations filed
9 by the Bureau of Real Estate in this proceeding.

10 3. On March 27, 2014, Respondent filed a Notice of
11 Defense pursuant to Section 11506 of the Government Code for the
12 purpose of requesting a hearing on the allegations in the
13 Accusations. Respondent hereby freely and voluntarily withdraws
14 said Notice of Defense. Respondent acknowledges that he
15 understands that by withdrawing said Notice of Defense he will
16 thereby waive his right to require the Commissioner to prove the
17 allegations in the Accusations at a contested hearing held in
18 accordance with the provisions of the APA and that he will waive
19 other rights afforded to him in connection with the hearing such
20 as the right to present evidence in defense of the allegations
21 in the Accusation and the right to cross-examine witnesses.

22 4. This Stipulation is based on the factual
23 allegations contained in the Accusations filed in this
24 proceeding. In the interest of expedience and economy,
25 Respondent chooses not to contest these factual allegations, but
26 to remain silent and understands that, as a result thereof,
27

1 these factual statements, will serve as a prima facie basis for
2 the disciplinary action stipulated to herein. The Real Estate
3 Commissioner shall not be required to provide further evidence
4 to prove such allegations.

5 5. This Stipulation is made for the purpose of
6 reaching an agreed disposition of this proceeding and is
7 expressly limited to this proceeding and any other proceeding or
8 case in which the Bureau of Real Estate ("Bureau"), the state or
9 federal government, or an agency of this state, another state or
10 the federal government is involved.

11 6. It is understood by the parties that the Real
12 Estate Commissioner may adopt the Stipulation as his decision
13 in this matter thereby imposing the penalty and sanctions on
14 Respondent's real estate licenses and license rights as set
15 forth in the below "Order". In the event that the Commissioner
16 in his discretion does not adopt the Stipulation, the
17 Stipulation shall be void and of no effect, and Respondent shall
18 retain the right to a hearing and proceeding on the Accusations
19 under all the provisions of the APA and shall not be bound by
20 any stipulation or waiver made herein.

22 7. The Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger or bar to any further
25 administrative or civil proceedings by the Bureau of Real Estate
26 with respect to any conduct which was not specifically alleged
27 to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusations, it is stipulated and agreed that the following determination of issues shall be made:

I

The conduct, acts and/or omissions of Respondent CHRISTOPHER JOHN-ALLEN HONEYCUTT, as set forth in the Accusations, constitute cause for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provisions of Sections 10177(d) and 10177(g) of the Business and Professions Code ("Code") for violation of Code Section 10145.

ORDER

All licenses and licensing rights of Respondent CHRISTOPHER JOHN-ALLEN HONEYCUTT under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that sixty (60) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

2. That no final subsequent determination be made, after hearing or upon stipulation that cause for disciplinary action occurred within two (2) years of the effective date of

1 this Decision. Should such a determination be made, the
2 Commissioner may, in his discretion, vacate and set aside the
3 stay order and reimpose all or a portion of the stayed
4 suspension. Should no such determination be made, the stay
5 imposed herein shall become permanent.

6 3. Provided, however, that if Respondent petitions,
7 the remaining thirty (30) days of said ninety (90) day
8 suspension shall be stayed upon condition that:

9 a. Respondent pays a monetary penalty pursuant to
10 Section 10175.2 of the Business and Professions code at the rate
11 of \$100 for each day of the suspension for a total monetary
12 penalty of \$3,000.

13 b. Said payment shall be in the form of a cashier's
14 check or certified check made payable to the Bureau of Real
15 Estate. Said check must be delivered to the Bureau of Real
16 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-
17 7013, prior to the effective date of this Order.

18 c. No further cause for disciplinary action against
19 the real estate licenses of Respondent occurs within two (2)
20 years from the effective date of the Decision in this matter.

21 d. If Respondent fails to pay the monetary penalty in
22 accordance with the terms and conditions of this Order, the
23 suspension shall go into effect automatically. Respondent shall
24 not be entitled to any repayment nor credit, prorated or
25 otherwise, for money paid to the Bureau under the terms of this
26 Decision and Order.
27

1 e. If Respondent pays the monetary penalty and any
2 other moneys due under this Stipulation and Agreement and if no
3 further cause for disciplinary action against the real estate
4 license of said Respondent occurs within two (2) years from the
5 effective date of this Order, the entire stay hereby granted
6 pursuant to this Order, as to said Respondent only, shall become
7 permanent.

8 4. Pursuant to Section 10148 of the Code, Respondent
9 shall pay the sum of \$15,461 for the Commissioner's cost of the
10 audit which led to this disciplinary under H-4596 SD, and the
11 additional sum of \$6,506 for the audit which led to the
12 disciplinary action under H-4655 SD. Respondent shall pay such
13 cost within sixty (60) days of receiving an invoice therefore
14 from the Commissioner. Payment of audit costs should not be
15 made until Respondent receives the invoice. If Respondent fails
16 to satisfy this condition in a timely manner as provided for
17 herein, Respondent's real estate license shall automatically be
18 suspended until payment is made in full or until a decision
19 providing otherwise is adopted following a hearing held pursuant
20 to this condition.

22 Pursuant to Section 10148 of the Code, Respondent
23 shall pay the Commissioner's reasonable cost, not to exceed
24 \$15,461, for an audit to determine if Respondent has corrected
25 the violations found in the Determination of Issues. In
26 calculating the amount of the Commissioner's reasonable cost,
27 the Commissioner may use the estimated average hourly salary for

1 all persons performing audits of real estate brokers, and shall
2 include an allocation for travel time to and from the auditor's
3 place of work. Respondent shall pay such cost within 60 days of
4 receiving an invoice from the Commissioner. Payment of the
5 audit costs should not be made until Respondent receives the
6 invoice. If Respondent fails to satisfy this condition in a
7 timely manner as provided for herein, Respondent's real estate
8 license shall automatically be suspended until payment is made
9 in full, or until a decision providing otherwise is adopted
10 following a hearing held pursuant to this condition.

11 5. Respondent shall, within six months from the
12 effective date of this Decision and Order, take and pass the
13 Professional Responsibility Examination administered by the
14 Bureau including the payment of the appropriate examination fee.
15 If Respondent fails to satisfy this condition, Respondent's real
16 estate license shall automatically be suspended until Respondent
17 passes the examination.

18 6. Respondent understands that by agreeing to this
19 Stipulation and Agreement, Respondent agrees to pay, pursuant to
20 Section 10106 of the California Business and Professions Code
21 (Code), the cost of the investigation and enforcement which
22 resulted in the determination that Respondent committed the
23 violations found in the Determination of Issues. The amount of
24 said costs is \$4,163.

25
26 ///

27 ///

1 All licenses and licensing rights of Respondent are
2 indefinitely suspended unless or until Respondent pays the sum
3 of \$4,163 for the Commissioner's reasonable cost of the
4 investigation and enforcement which led to this disciplinary
5 action. Said payment shall be in the form of a cashier's check
6 or certified check made payable to the Bureau of Real Estate,
7 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
8 prior to the effective date of the Order.

9
10
11 DATED: 10-1-15

James R. Peel
JAMES R. PEEL, Counsel for the
Bureau of Real Estate

12
13 * * *

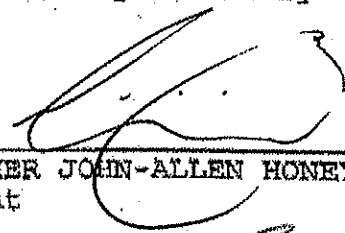
14 I have read the Stipulation and Agreement, and its
15 terms are understood by me and are agreeable and acceptable to
16 me. I understand that I am waiving rights given to me by the
17 California Administrative Procedure Act (including but not
18 limited to Sections 11506, 11508, 11509 and 11513 of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

25 Respondent can signify acceptance and approval of the
26 terms and conditions of this Stipulation and Agreement by faxing
27 a copy of the signature page, as actually signed by Respondent,

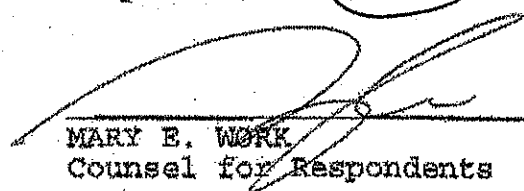
1 to the Bureau at the following telephone/fax number:
2 (213) 576-6917. Respondent agrees, acknowledges and understands
3 that by electronically sending to the Bureau a fax copy of his
4 or her actual signature as it appears on the Stipulation and
5 Agreement, that receipt of the faxed copy by the Bureau shall be
6 as binding on Respondent as if the Bureau had received the
7 original signed Stipulation and Agreement.

8 Further, if the Respondent is represented, the
9 Respondent's counsel can signify his or her agreement to the
10 terms and conditions of the Stipulation and Agreement by
11 submitting that signature via fax.

12 DATED: 9.29.2015


13 CHRISTOPHER JOHN-ALLEN HONEYCUTT
14 Respondent

15 DATED: 9/29/2015


16 MARY E. WORK
17 Counsel for Respondents

18 * * *

19 The foregoing Stipulation and Agreement is hereby
20 adopted as my Decision and Order in this matter, and shall
21 become effective at 12 o'clock noon on _____.

22 IT IS SO ORDERED _____.

23 Real Estate Commissioner
24 _____
25
26
27

1 to the Bureau at the following telephone/fax number:

2 (213) 576-6917. Respondent agrees, acknowledges and understands
3 that by electronically sending to the Bureau a fax copy of his
4 or her actual signature as it appears on the Stipulation and
5 Agreement, that receipt of the faxed copy by the Bureau shall be
6 as binding on Respondent as if the Bureau had received the
7 original signed Stipulation and Agreement.

8 Further, if the Respondent is represented, the
9 Respondent's counsel can signify his or her agreement to the
10 terms and conditions of the Stipulation and Agreement by
11 submitting that signature via fax.

12 DATED: _____

13 CHRISTOPHER JOHN-ALLEN HONEYCUTT
14 Respondent

15 DATED: _____

16 MARY E. WORK
17 Counsel for Respondents

18 * * *

19 The foregoing Stipulation and Agreement is hereby
20 adopted as my Decision and Order in this matter, and shall
21 become effective at 12 o'clock noon on NOV 05 2015

22 IT IS SO ORDERED OCTOBER 9, 2015

23 WAYNE S. BELL

24 Real Estate Commissioner

25 By: JEFFREY MASON

26 Chief Deputy Commissioner