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 CHRISTOPHER JOHN-ALLEN HONEYCUTT, Respondent.	No. H-4596 SD H-4655 SD STIPULATION AND AGREEMENT

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

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

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

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

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

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

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

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

7. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Bureau of Real Estate with respect to any conduct which was not specifically alleged 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:

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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

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

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

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

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

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

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

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

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

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

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

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

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

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

DATED: 10-1-15

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

* * *

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 Accusations 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.

Respondent 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 Respondent,

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

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

DATED: 9-29-2015

CHRISTOPHER JOHN-ALLEN HONEYCUTT
Respondent

DATED: 9/29/2015

MARY E. WORK
Counsel for Respondents

* * *

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

IT IS SO ORDERED _____.

Real Estate Commissioner

_____

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

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

DATED: _____

_____
CHRISTOPHER JOHN-ALLEN HONEYCUTT
Respondent

DATED: _____

_____
MARY E. WORK
Counsel for Respondents

* * *

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

IT IS SO ORDERED OCTOBER 9, 2015.

WAYNE S. BELL
Real Estate Commissioner

By: JEFFREY MASON
Chief Deputy Commissioner