

1 Bureau of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED

DEC - 8 2016

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-04798 SD

12 TDE CAPITAL, INC.; TOMAS E.)
13 SCHOFF, individually and as)
14 designated officer of TDE Capital, Inc.;)
15 and DEMETRE D. BOOKER, JR.,)

STIPULATION

AND

AGREEMENT

16 Respondents.)

17 It is hereby stipulated by and between Respondents TDE CAPITAL, INC.,
18 TOMAS E. SCHOFF, individually and as designated officer of TDE Capital, Inc., and
19 DEMETRE D. BOOKER, JR., (sometimes collectively referred to as "Respondents"), acting by
20 and through their attorney, Robert E. Muir of the Law Offices of Robert E. Muir, and the
21 Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate,
22 as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
23 May 24, 2016, in this matter:

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

1 this Stipulation and Agreement ("Stipulation").

2 2. Respondents have received, read and understand 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. Respondents each filed a Notice of Defense pursuant to Section 11506 of the
6 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
7 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
8 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
9 waive their right to require the Commissioner to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that they will waive
11 other rights afforded to them in connection with the hearing such as the right to present evidence
12 in their defense, and the right to cross-examine witnesses.

13 4. This Stipulation is based on the factual allegations contained in the
14 Accusation. In the interest of expedience and economy Respondents choose not to contest these
15 allegations but to remain silent and understand that, as a result thereof, these factual allegations,
16 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
17 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to
18 prove said factual allegations.

19 5. This Stipulation is made for the purpose of reaching an agreed disposition of
20 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
21 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
22 state, or the federal government is involved, and otherwise shall not be admissible in any
23 criminal or civil proceeding.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt
25 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
26 Respondents' real estate licenses and license rights as set forth in the below "Order". In the
27 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall

1 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the
2 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
3 made herein.

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

8 DETERMINATION OF ISSUES

9 By reason of the foregoing, it is stipulated and agreed that the following
10 determination of issues shall be made:

11 The conduct, acts or omissions of TDE CAPITAL, INC. ("TCI"), TOMAS E.
12 SCHOFF ("SCHOFF"), and DEMETRE D. BOOKER, JR. ("BOOKER"), as described in
13 Paragraph 4, above, are in violation of Sections 10130, 10177(d), and 10177(g) and, additionally
14 as to SCHOFF, 10177(h) of the Business and Professions Code ("Code") and Section 2725 of
15 Title 10, Chapter 6 of the California Code of Regulations ("Regulations") and are a basis for
16 discipline of Respondents' license and license rights as a violation of the Real Estate Law
17 pursuant to Code Sections 10177(d), 10177(g), and 10177(h) (SCHOFF).

18 ORDER

19 WHEREFORE, THE FOLLOWING ORDER is hereby made:

20 I.

21 A. All licenses and licensed rights of Respondents TCI and SCHOFF under the
22 Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
23 Decision; provided, however, that the initial thirty (30) days of that suspension shall be stayed
24 for two years upon the following terms and conditions:

25 1. Respondents shall each pay a total monetary penalty pursuant to Section
26 10175.2 of the Business and Professions Code of \$500.00.

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1 2. Said payment shall be in the form of a cashier's check made payable to the
2 **Bureau of Real Estate.** Said check must be delivered to the Bureau of Real Estate, Flag
3 Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
4 **Decision and Order.**

5 3. No further cause for disciplinary action against the real estate licenses of
6 Respondents TCI and SCHOFF occurs within two (2) years from the effective date of the
7 Decision and Order in this matter.

8 4. If any Respondent fails to pay the monetary penalty in accordance with the
9 terms and conditions of the Decision and Order, the suspension will go into effect automatically
10 with regard to said Respondent. In that event, that Respondent shall not be entitled to any
11 repayment nor credit, prorated or otherwise, for money paid to the Bureau under the terms of this
12 Decision and Order.

13 5. If Respondents TCI and SCHOFF pay the monetary penalty and if no further
14 cause for disciplinary action against Respondents' real estate licenses occurs within two (2) years
15 from the effective date of the Decision and Order, the stay hereby granted shall become
16 permanent.

17 B. The remaining thirty (30) days of the sixty (60) day suspension shall be stayed
18 for two (2) years upon the following terms and conditions:

19 1. That Respondents obey all laws, rules and regulations governing the rights,
20 duties and responsibilities of a real estate licensee in the State of California; and

21 2. That no final subsequent determination be made after hearing or upon
22 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
23 date of this Decision and Order. Should such a determination be made, the Commissioner may,
24 in his discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
25 suspension. Should no such determination be made under this section, the stay imposed herein
26 shall become permanent.

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1 C. Respondent SCHOFF shall also:

2 1. Within nine (9) months from the effective date of this Decision and Order,

3 present evidence satisfactory to the Real Estate Commissioner that Respondent SCHOFF has,
4 since the most recent issuance of an original or renewal real estate license, taken and successfully
5 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
6 Law for renewal of a real estate license. If Respondent SCHOFF fails to satisfy this condition,
7 then his real estate license shall be automatically suspended until he presents evidence
8 satisfactory to the Commissioner of having taken and successfully completed the continuing
9 education requirements. **Proof of completion of the continuing education courses must be
10 delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA
11 95813-7013.**

12 2. Within six (6) months from the effective date of the Decision and Order

13 herein, take and pass the Professional Responsibility Examination administered by the Bureau
14 including the payment of the appropriate examination fee. If Respondent SCHOFF fails to
15 satisfy this condition, his real estate license shall be automatically suspended until he passes the
16 examination.

17 II.

18 The real estate salesperson license of Respondent BOOKER under the Real Estate
19 Law is revoked; provided, however, a restricted real estate salesperson license shall be issued to
20 Respondent BOOKER, pursuant to Section 10156.5 of the Code, if Respondent makes
21 application therefor and pays to the Bureau of Real Estate the appropriate fee for the restricted
22 license within ninety (90) days from the effective date of this Decision.

23 The restricted license issued to Respondent BOOKER shall be subject to all of the
24 provisions of Section 10156.7 of the Code and the following limitations, conditions and
25 restrictions imposed under authority of Section 10156.6 of that Code:

26 1. The restricted license issued to Respondent BOOKER may be suspended prior
27 to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or

1 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
2 capacity as a real estate licensee.

3 2. The restricted license issued to Respondent may be suspended prior to hearing
4 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
7 license.

8 3. Respondent BOOKER shall not be eligible to apply for the issuance of an
9 unrestricted real estate salesperson or broker license nor for the removal of any of the conditions,
10 limitations or restrictions of a restricted license until two (2) years have elapsed from the
11 effective date of the issuance of the restricted license.

12 4. Respondent BOOKER shall submit with any application for license under an
13 employing broker, or any application for transfer to a new employing broker, a statement signed
14 by the prospective employing real estate broker on a form approved by the Bureau of Real Estate
15 which shall certify:

16 (a) That the employing broker has read the Decision of the Commissioner which
17 granted the right to a restricted license; and

18 (b) That the employing broker will exercise close supervision over the
19 performance by the restricted licensee relating to activities for which a real
20 estate license is required.

21 5. Respondent BOOKER shall, within nine (9) months from the effective date of
22 this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent
23 has, since the most recent issuance of an original or renewal real estate license, taken and
24 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
25 Real Estate Law for renewal of a real estate license. If Respondent BOOKER fails to satisfy this
26 condition, then his real estate license shall be automatically suspended until he presents evidence
27 satisfactory to the Commissioner of having taken and successfully completed the continuing

1 education requirements. **Proof of completion of the continuing education courses must be**
2 **delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA**
3 **95813-7013.**


4 6. Respondent BOOKER shall, within six (6) months from the effective date of
5 **the Decision and Order** herein, take and pass the Professional Responsibility Examination
6 administered by the Bureau including the payment of the appropriate examination fee. If
7 Respondent BOOKER fails to satisfy this condition, his real estate license shall be automatically
8 suspended until he passes the examination.

9 III.

10 Prior to the effective date of this Decision, and pursuant to Section 10106 of the
11 Business and Professions Code, Respondents shall pay the Commissioner's reasonable cost for
12 the investigation which led to this disciplinary action in the amount of \$1,210.20. Respondents
13 are jointly and severally liable for the cost of the investigation. Said payment shall be in the
14 form of a cashier's check made payable to the Bureau of Real Estate. **Said check must be**
15 **delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA**
16 **95813-7013, prior to the effective date of this Decision and Order.**

17 If Respondents fail to satisfy this condition in a timely manner as provided for
18 herein, Respondents' real estate licenses shall automatically be suspended until payment is made
19 in full, or until a decision providing otherwise is adopted following a hearing held pursuant to
20 this condition.

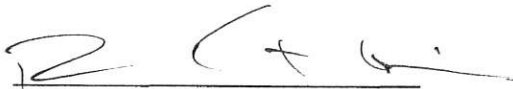
21
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23 DATED: 11-10-16

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25 _____
26 Amelia V. Vetrone, Counsel for
27 the Bureau of Real Estate

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2 DATED: NOV. 10, 2016

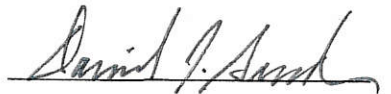

Robert E. Muir
Counsel for Respondents
Approved as to Form

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8 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
9 Respondents TDE CAPITAL, INC., TOMAS E. SCHOFF, individually and as designated officer
10 of TDE Capital, Inc., and DEMETRE D. BOOKER, JR., and shall become effective at 12
11 o'clock noon on **DEC 28 2016**.

12 IT IS SO ORDERED 12/2/16.

13
14 WAYNE S. BELL
Real Estate Commissioner

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18 By: DANIEL J. SANDRI
19 Chief Deputy Commissioner