

Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
Telephone: (213) 576-6982

FILED

MAY 01 2019

DEPT. OF REAL ESTATE
By *Sheryl Danner*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

STEPHEN R. GLASSER

Respondent.

) No. H-05061 SD
)
) STIPULATION
) AND
) AGREEMENT
)
)
)
)

It is hereby stipulated by and between Respondent STEPHEN R. GLASSER ("GLASSER"), represented by Mary E. Work, Esq., and the Complainant, acting by and through Julie L. To, Counsel for the Department of Real Estate ("Department" or "DRE"), as follows for the purpose of settling and disposing of the investigation of possible violations of the Real Estate Law (Sections 10000 et seq., of the Business and Professions Code) and Regulations of the Real Estate Commissioner (Title 10, Chapter 6, of the California Code of Regulations) which could result in the filing of an Accusation to revoke or suspend the real estate license of Respondent.

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on an Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),

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1 shall instead and in place thereof be submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation").

3 2. Respondent acknowledges that he understands that he thereby waives his right
4 to require the Commissioner to prove the allegations in the Accusation at a contested hearing
5 held in accordance with the provisions of the APA and that he will waive other rights afforded to
6 him in connection with the hearing such as the right to present evidence in her defense and the
7 right to cross-examine witnesses.

8 3. This Stipulation is based on the audit examination of Respondent by the
9 Department of Real Estate and the findings as contained in Audit No. SD 170027. In the interest
10 of expedience and economy, Respondent chooses not to contest these findings, but to remain
11 silent, and understands that, as a result thereof, these findings will serve as a prima facie basis for
12 the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required
13 to provide further evidence to prove said findings.

14 4. This Stipulation is made for the purpose of reaching an agreed disposition of
15 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
16 which the Department of Real Estate ("Department") or another licensing agency of this state,
17 another state, or if the federal government is involved, and otherwise shall not be admissible in
18 any other criminal or civil proceeding.

19 5. It is understood by the parties that the Real Estate Commissioner may adopt
20 this Stipulation as the Commissioner's Decision in this matter, thereby imposing the penalty and
21 sanctions on Respondent's real estate licenses and license rights as set forth in below "Order." In
22 the event that the Commissioner in his discretion does not adopt the Stipulation and Agreement,
23 the Stipulation shall be void and of no effect, Complainant shall file an Accusation, and
24 Respondent may timely filed a Notice of Defense pursuant to Section 11506 of the Government
25 Code for the purpose of requesting a hearing on the allegations in the Accusation, and shall
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1 retain the right to a hearing and proceeding on the Accusation under the provisions of the APA
2 and shall not be bound by any admission or waiver made herein.

3 6. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department of Real Estate with respect to any matters
6 which were not specifically alleged to be causes for an Accusation in this proceeding but do
7 constitute a bar, estoppel and merger as to any allegations actually contained in an Accusation
8 against Respondent herein.

9 7. Respondent understands that by agreeing to this Stipulation, Respondent agrees
10 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the audit
11 which resulted in the determination that Respondent committed the violations found in the
12 Determination of Issues. The amount of said costs for the original audit (SD 170027) is
13 \$6,287.72. Respondent agrees to pay, pursuant to Code Section 10148, \$6,287.72 for the cost of
14 Audit No. SD 170027.

15 8. Respondent has received, read, and understands the "Notice Concerning Costs
16 of Subsequent Audit." Respondent further understands that by agreeing to this Stipulation, the
17 findings set forth below in the Determination of Issues become final, and the Commissioner may
18 charge Respondent for the cost of any subsequent audit conducted pursuant to Code Section
19 10148 to determine if the violations have been corrected. The maximum cost of the follow-up
20 audit will not exceed one-hundred twenty-five percent (125%) of the cost of the original audit; in
21 the instant case, the cost of the original audit is \$6,287.72, and the maximum cost of the follow-
22 up audit will not exceed \$7,859.65. Therefore, Respondent may be charged a maximum of
23 \$7,859.65 in the event of a subsequent audit.

24 9. Respondent understands that by agreeing to this Stipulation, Respondent agrees
25 to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and
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1 enforcement which resulted in the determination that Respondent committed the violations found
2 in the Determination of Issues. The amount of said costs is \$2,988.60; therefore, Respondent
3 agrees to pay, pursuant to Code Section 10106, the amount \$2,988.60.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and waivers, and solely for the
6 purpose of settlement of the pending investigation without the filing of an Accusation, it is
7 stipulated and agreed that the following determination of issues shall be made:

8 The conduct, acts or omissions of Respondent STEPHEN R. GLASSER, as
9 described in Paragraph 3, herein above, are in violation of: Code Section 10145 and Title 10,
10 Chapter 6, California Code of Regulations ("Regulation") 2832.1; Code Section 10145 and
11 Regulation 2831; Code Section 10145 and Regulation 2831.1; Code Section 10145 and
12 Regulation 2831.2; Code Section 10145 and Regulation 2832; Code Sections 10145 and
13 10176(e) and Regulation 2835(b); Code Section 10159.5 and Regulation 2731; Code Section
14 10163 and Regulation 2715; and Code Section 10177(h) and Regulation 2725, and are bases for
15 the suspension or revocation of the licenses and license rights of Respondent GLASSER as
16 violations of the Real Estate Law pursuant to Code Sections 10177(d), 10177(g), and 10177(h).

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent STEPHEN R. GLASSER under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Decision and Order; provided, however, that:

1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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

2. All licenses and licensing rights of Respondent GLASSER are indefinitely suspended unless or until Respondent GLASSER provides proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of these requirements includes evidence that Respondent has successfully completed the trust fund accounting courses, no earlier than one hundred and twenty (120) days prior to the effective date of the Decision and Order in this matter. Proof of completion of the trust fund accounting and handling courses

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1 must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,
2 Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this
3 Decision and Order.

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

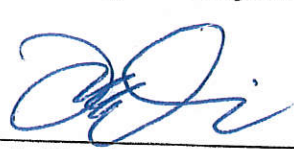
9 4. Respondent GLASSER shall, within nine (9) months from the effective date of
10 this Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
11 since the most recent issuance of an original or renewal real estate license, taken and successfully
12 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
14 Respondent's real estate license shall automatically be suspended until Respondent presents
15 evidence satisfactory to the Commissioner of having taken and successfully completed the
16 continuing education requirements. Proof of completion of the continuing education courses
17 must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013,
18 Sacramento, CA 95813-7013.

19 5. All licenses and licensing rights of Respondent GLASSER are indefinitely
20 suspended unless or until Respondent pays the sum of \$2,988.60 for the Commissioner's
21 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said
22 payment shall be in the form of a cashier's check or certified check made payable to the
23 Department of Real Estate. The investigation and enforcement costs must be delivered to the
24 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior
25 to the effective date of this Decision and Order.

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1 6. Pursuant to Section 10148 of the Code, Respondent GLASSER shall pay the
2 sum of \$6,287.72 for the Commissioner's cost of the audit which led to this disciplinary action.
3 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
4 Commissioner. Payment of audit costs should not be made until Respondent receives the
5 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
6 Respondent's real estate licenses shall automatically be suspended until payment is made in full,
7 or until a decision providing otherwise is adopted following a hearing held pursuant to this
8 condition.

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10 DATED: 3-18-19


Julie L. To, Counsel for Complainant

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13 EXECUTION OF THE STIPULATION

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

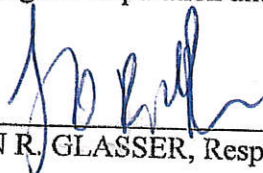
22 MAILING AND E-MAIL

23 Respondent shall send a hard copy of the original signed Stipulation and
24 Agreement to: Julie L. To, Department of Real Estate, 320 West Fourth Street, Suite 350, Los
25 Angeles, CA 90013. In the event of time constraints before an administrative hearing,
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1 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation
2 and Agreement by emailing a scanned copy of the signature page, as actually signed by
3 Respondent, to the DRE counsel assigned to this case. Respondent agrees, acknowledges and
4 understands that by electronically sending the DRE a scan of Respondent's actual signature as it
5 appears on the Stipulation and Agreement, that receipt of the scan by the DRE shall be binding
6 on Respondent as if the DRE had received the original signed Stipulation and Agreement.

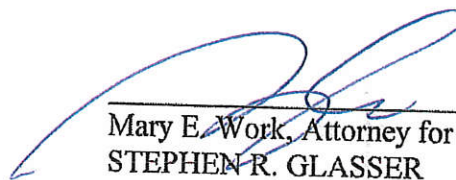
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8 DATED: 2/22/2019


STEPHEN R. GLASSER, Respondent

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

13 DATED: 3/8/2019

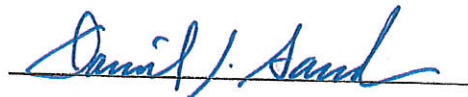

Mary E. Work, Attorney for Respondent
STEPHEN R. GLASSER

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16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
17 this matter and shall become effective at 12 o'clock noon on ~~MAY 20 2019~~

18 IT IS SO ORDERED April 22, 2019.

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20 DANIEL J. SANDRI
21 ACTING REAL ESTATE COMMISSIONER

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