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1	JUN 2 1 2022
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
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11	In the Matter of the Accusation of) No. H-05273 SD
12	SCOTT CAMERON SMITH,)) STIPULATION AND
13	Respondent.) <u>AGREEMENT</u>
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15	It is hereby stipulated by and between Respondent SCOTT CAMERON
16	SMITH, a.k.a. "Scott Smith" and "Scott C. Smith" ("Respondent"), represented by counsel
17	Frank M. Buda, and the Complainant, acting by and through Kathy Yi, Counsel for the
18	Department of Real Estate ("Department"), as follows for the purpose of settling and disposing
19	of the Accusation filed on February 17, 2022, in this matter:
20	1. All issues which were to be contested and all evidence which was to be
21	presented by Complainant and Respondent at a formal hearing on the Accusation, which
22	hearing was to be held in accordance with the provisions of the Administrative Procedure Act
23	("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
24	this Stipulation and Agreement ("Stipulation").
25	2. Respondent has received, read and understands the Statement to
26	Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department
27	of Real Estate in this proceeding.

Stipulation and Agreement Page 1 of 5 1 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the 2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation. 3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent 4 acknowledges that Respondent understands that by withdrawing said Notice of Defense, 5 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner 6 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in 7 accordance with the provisions of the APA and that Respondent will waive other rights 8 afforded to Respondent in connection with the hearing such as the right to present evidence in 9 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
 Accusation 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. 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 license and license rights as set forth in the below "Order." In the
event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
Accusation under all the provisions of the APA and shall not be bound by any admission or
waiver made herein.

6. This Stipulation is made for the purpose of reaching an agreed
disposition of this proceeding and is expressly limited to this proceeding and not any other
proceeding or case in which the Department, or another licensing agency of this state, another
state, or the federal government is involved, and otherwise shall not be admissible in any
criminal or civil proceeding.

1 7. The Order or any subsequent Order of the Commissioner made pursuant 2 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or 3 civil proceedings by the Department with respect to any matters which were not specifically 4 alleged to be causes for the Accusation in this proceeding. 5 DETERMINATION OF ISSUES 6 By reason of the foregoing stipulations, admissions, and waivers, and solely for 7 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and 8 agreed that the following Determination of Issues shall be made: 9 The conduct, acts, or omissions of Respondent SCOTT CAMERON SMITH, as 10 described in the Accusation, constitute cause for the suspension or revocation of all real estate 11 licenses and license rights of Respondent SCOTT CAMERON SMITH under California Business and Professions Code ("Code") sections 10177(g) and 10186.2. 12 13 ORDER 14 All licenses and licensing rights of Respondent SCOTT CAMERON SMITH 15 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date 16 of this Decision; provided, however, that all sixty (60) days of said suspension shall be stayed 17 upon the following terms and conditions: 1. 18 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 19 20 2. That no final subsequent determination be made, after hearing or upon 21 stipulation, that cause for disciplinary action occurred within two (2) years of the effective date 22 of this Decision. Should such a determination be made, the Commissioner may, in his 23 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed 24 suspension. Should no such determination be made, the stay imposed herein shall become 25 permanent. 3. All licenses and license rights of Respondent are indefinitely suspended 26 27 unless or until Respondent pay the sum of \$1,900.45 (\$902.05 investigation plus \$998.40 Stipulation and Agreement Page 3 of 5

1	enforcement costs) for the Commissioner's reasonable costs of the investigation and
2	enforcement, which led to this disciplinary action. Said payment shall be in the form of a
3	cashier's check made payable to the Department of Real Estate. The investigative and
4	enforcement costs must be delivered to the Department of Real Estate, Flag Section at
5	P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision
6	and Order. Payment of investigation and enforcement costs should not be made until the
7	Stipulation has been approved by the Commissioner.
8	lan.
9	DATED: May 26, 2022
10	Kathy Yi, Counsel Department of Real Estate
11	***
12	EXECUTION OF THE STIPULATION
13	Respondent has read the Stipulation and Agreement and understands that
14	Respondent is waiving rights given to Respondent by the California Administrative Procedure
15	Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and
16	Respondent willingly, intelligently, and voluntarily waives those rights, including the right to
17	seek reconsideration and the right to seek judicial review of the Commissioner's Decision and
18	Order by way of a writ of mandate.
19	Respondent agrees, acknowledges, and understands that Respondent cannot
20	rescind or amend this Stipulation and Agreement. Respondent can signify acceptance and
21	approval of the terms and conditions of this Stipulation and Agreement by electronically e-
22	mailing a copy of the signature page, as actually signed by Respondent, to the Department.
23	Respondent agrees, acknowledges, and understands that by electronically sending to the
24	Department an electronic copy of Respondent's actual signature, as it appears on the
25	Stipulation, that receipt of the emailed copy by the Department shall be as binding on
26	Respondent as if the Department had received the original signed Stipulation. By signing this
27	Stipulation, Respondent understands and agrees that Respondent may not withdraw

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Respondent's agreement or seek to rescind the Stipulation prior to the time the Commissioner 1 considers and acts upon it or prior to the effective date of the Stipulation and Order. 2 Respondent can alternatively signify acceptance and approval of the terms and 3 conditions of this Stipulation and Agreement by mailing the original signed Stipulation and 4 Agreement to: Kathy Yi, Department of Real Estate, 320 West 4th Street, Suite 350, Los 5 Angeles, California 90013-1105. 6 7 DATED: 5-26-22 8 SCOTT CAMERON SMITH 9 Respondent 10 * * * 11 12 I have reviewed the Stipulation and Agreement as to form and content, 13 and have advised my client accordingly. 14 DATED: 5-22-22 4 Duba 15 Frank M. Buda 16 Counsel for Respondent 17 * * * 18 19 The foregoing Stipulation and Agreement is hereby adopted by me as my 20 Decision in this matter as to Respondent SCOTT CAMERON SMITH and shall become JUL 2 2 2022 effective at 12 o'clock noon on 21 IT IS SO ORDERED 6.17.22 22 23 DOUGLAS R. McCAULEY 24 REAL ESTATE COMMISSIONER 25 26 Dougs R. Milnon 27 Stipulation and Agreement Page 5 of 5