

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

APR 20 2012

DEPARTMENT OF REAL ESTATE
By R. Miller

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 TRACY LYNN BROWN, TBROWN)
13 REAL ESTATE GROUP, INC. and)
14 MINISTER OF REAL ESTATE, INC.,)

15 Respondents.)

NO. H-5374 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16
17 It is hereby stipulated by and between Respondents TRACY LYNN BROWN
18 ("BROWN"), TBROWN REAL ESTATE GROUP, INC., ("TBRE"), and MINISTER OF REAL
19 ESTATE, INC., ("MRE"), (collectively "Respondents"), and the Complainant, acting by and
20 through John W. Barron, Counsel for the Department of Real Estate ("the Department"), as
21 follows for the purpose of settling and disposing of the Accusation filed on April 15, 2010, in
22 this matter ("the Accusation"):

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

1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA, and the Accusation filed by the Department in this
3 proceeding.

4 3. A Notice of Defense was filed on April 26, 2010, by Respondents, pursuant
5 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
7 of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of
8 Defense, they will thereby waive their right to require the Commissioner to prove the
9 allegations in the Accusation at a contested hearing held in accordance with the provisions of
10 the APA and that they will waive other rights afforded to them in connection with the hearing
11 such as the right to present evidence in defense of the allegations in the Accusation and the
12 right to cross-examine witnesses.

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

19 5. This Stipulation and Respondents' decision not to contest the Accusation are
20 made for the purpose of reaching an agreed disposition of this proceeding and are expressly
21 limited to this proceeding and any other proceeding or case in which the Department, the state
22 or federal government, an agency of this state, or an agency of another state is involved.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 the Stipulation and Agreement in Settlement and Order as her decision in this matter thereby
25 imposing the penalty and sanctions on Respondents' real estate licenses and license rights as
26 set forth in the below "Order". In the event that the Commissioner in her discretion does not
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1 adopt the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect,
2 and Respondents shall retain the right to a hearing and proceeding on the Accusation under all
3 the provisions of the APA and shall not be bound by any admission or waiver made herein.

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

9 8. In lieu of proceeding in this matter in accordance with the provisions of the
10 APA, TBRE and MRE wish to voluntarily surrender their corporate real estate licenses and
11 license rights issued by the Department, pursuant to Business and Professions Code Section
12 10100.2. BROWN is an officer and director of TBRE and MRE, and is authorized to sign this
13 declaration on behalf of TBRE and MRE. Respondents are represented by counsel, C. Breck
14 Jones.

15 9. BROWN understands that by so voluntarily surrendering the licenses and
16 license rights of TBRE and MRE, TBRE and MRE may be relicensed as broker corporations
17 only by petitioning for reinstatement pursuant to Section 11522 of the Government Code.
18 BROWN also understands that by so voluntarily surrendering the license and license rights of
19 TBRE and MRE, Respondents agree to the following:

- 20 a. The filing of this Stipulation and Agreement shall be deemed as a
21 declaration and petition for voluntary surrender by TBRE and MRE.
22 b. It shall also be deemed to be an understanding and agreement by
23 TBRE and MRE that they waive all rights TBRE and MRE have
24 to require the Commissioner to prove the allegations contained in
25 the Accusation filed in this matter at a hearing held in accordance
26 with the provisions of the APA, and that TBRE and MRE also
27 waive other rights afforded to them in connection with the hearing

1 such as the right to discovery, the right to present evidence in
2 defense of the allegations in the Accusation and the right to cross-
3 examine witnesses.

4 10. BROWN, on behalf of TBRE and MRE, further agrees that upon acceptance
5 by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant
6 evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and
7 all allegations contained in the Accusation filed in the Department Case No. H-5374 SAC, may
8 be considered by the Department to be true and correct for the purpose of deciding whether to
9 grant re-licensure or reinstatement pursuant to Government Code Section 11522.

10 11. BROWN on behalf of TBRE and MRE freely and voluntarily surrenders all
11 licenses and license rights of TBRE and MRE under the Real Estate Law.

12 DETERMINATION OF ISSUES

13 The acts and omissions of Respondents as described in the Accusation are
14 grounds for the suspension or revocation of the license and license rights of Respondents under
15 Section 10177(g) of the California Business and Professions Code ("the Code").

16 ORDER

17 I

18 All licenses and licensing rights of Respondent TRACY LYNN BROWN under
19 the Real Estate Law are publicly reprovod pursuant to Section 495 of the Code.

20 II

21 TBRE's petition for voluntary surrender of its corporate real estate broker licenses
22 is accepted as of the effective date of this Order as set forth below, based upon the understanding
23 and agreement expressed in Respondents' Declaration incorporated herein as part of this
24 Stipulation and Agreement. TBRE's license certificates, pocket cards, and any branch office

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1 license certificates shall be sent to the below listed address so that they reach the Department on
2 or before the effective date of this Order:

3 DEPARTMENT OF REAL ESTATE
4 Attn: Licensing Flag Section
5 P. O. Box 187000
6 Sacramento, CA 95818-7000

7 III

8 MRE's petition for voluntary surrender of its corporate real estate broker licenses
9 is accepted as of the effective date of this Order as set forth below, based upon the understanding
10 and agreement expressed in Respondents' Declaration incorporated herein as part of this
11 Stipulation and Agreement. MRE's license certificates, pocket cards, and any branch office
12 license certificates shall be sent to the below listed address so that they reach the Department on
13 or before the effective date of this Order:

14 DEPARTMENT OF REAL ESTATE
15 Attn: Licensing Flag Section
16 P. O. Box 187000
17 Sacramento, CA 95818-7000

18 1/30/12
19 DATED

20 
21 JOHN W. BARRON, Counsel
22 DEPARTMENT OF REAL ESTATE

23 * * *

24 I have read the Stipulation and Agreement in Settlement and Order and its terms
25 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
26 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
27 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

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1 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
2 and to present evidence in defense and mitigation of the charges.

3
4 25 Jan 12

5 DATED



6 TRACY LYNN BROWN

7 Respondent, individually and on behalf of
8 TBROWN REAL ESTATE GROUP, INC.,
9 and MINISTER OF REAL ESTATE, INC.

10 * * *

11 *I have reviewed this Stipulation and Agreement In Settlement and Order as to*
12 *form and content and have advised my client accordingly.*

13 January 25, 2012 
14 DATED C. BRECK JONES

15 Attorney for Respondents

16 * * *

17
18 The foregoing Stipulation and Agreement in Settlement and Order is hereby
19 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

20 MAY 11 2012

21 IT IS SO ORDERED

3/21/12

22 BARBARA J. BIGBY

23 Acting Real Estate Commissioner

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