

FLAG

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED

AUG 11 2011

DEPARTMENT OF REAL ESTATE
By R. M. M. M.

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10	In the Matter of the Accusation of)	
11)	NO. H-5538 SAC
12	R. BREWSTER BEATTIE,)	
13)	<u>STIPULATION AND AGREEMENT</u>
14	Respondent.)	<u>IN SETTLEMENT AND ORDER</u>

15 It is hereby stipulated by and between Respondent R. BREWSTER BEATTIE
16 (herein "Respondent") and the Complainant, acting by and through John W. Barron, Counsel for
17 the Department of Real Estate (herein "the Department"), as follows for the purpose of settling
18 and disposing of the Accusation filed on January 27, 2011, in this matter (herein "the
19 Accusation"):

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 hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this
24 Stipulation and Agreement in Settlement and Order.

25 2. Respondent has received, read and understands the Statement to Respondent,
26 the Discovery Provisions of the APA, and the Accusation filed by the Department in this
27 proceeding.

1 3. A Notice of Defense was filed on February 7, 2011, by Respondent, pursuant
2 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
4 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
5 Defense, he will thereby waive his right to require the Commissioner to prove the allegations in
6 the Accusation at a contested hearing held in accordance with the provisions of the APA and
7 that he will waive other rights afforded to him in connection with the hearing such as the right
8 to present evidence in defense of the allegations in the Accusation and the right to cross-
9 examine witnesses.

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

16 5. It is understood by the parties that the Real Estate Commissioner may adopt
17 the Stipulation and Agreement in Settlement and Order as her decision in this matter thereby
18 imposing the penalty and sanctions on Respondent's real estate license and license rights as set
19 forth in the below "Order". In the event that the Commissioner in her discretion does not adopt
20 the Stipulation and Agreement in Settlement and Order, it shall be void and of no effect, and
21 Respondent shall retain the right to a hearing and proceeding on the Accusation under all the
22 provisions of the APA and shall not be bound by any admission or waiver made herein.

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

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DETERMINATION OF ISSUES

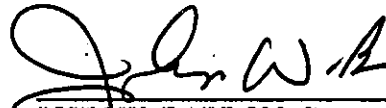
The acts and omissions of Respondent as described in the Accusation are grounds for the suspension or revocation of the license and license rights of Respondent under Section 10177(g) of the California Business and Professions Code (herein the "Code").

ORDER

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

4/27/11

DATED



JOHN W. BARRON, Counsel
DEPARTMENT OF REAL ESTATE

I have read the Stipulation and Agreement in Settlement and Order 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 APA (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 Accusation 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.

6-16-11

DATED

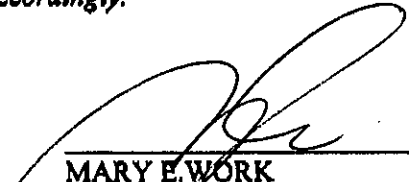


R. BREWSTER BEATTIE
Respondent

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

6/20/11
DATED



MARY E. WORK
Attorney for Respondent

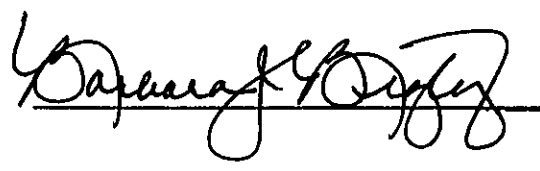
The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

SEP 1 2011

IT IS SO ORDERED

8/5/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

1 JOHN W. BARRON, Counsel (SBN 171246)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 (916) 227-0792 (Direct)

FILED

JAN 27 2011

DEPARTMENT OF REAL ESTATE

By K. Mer

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 ***

11 In the Matter of the Accusation of)
12) No. H-5538 SAC
13 R. BREWSTER BEATTIE,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
17 of the State of California, for cause of Accusation against R. BREWSTER BEATTIE,
18 (hereinafter "Respondent"), is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

21 2

22 Respondent is presently licensed and/or has license rights under the Real Estate
23 Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a
24 real estate salesperson.

25 3

26 On or about August 17, 2010, Respondent applied for a renewal of his real estate
27 salesperson license. In response to Question 3 of the renewal application, to wit: "Within the

1 past four year period, have you been convicted of any violation of law? Convictions expunged
2 under Penal Code Section 1203.4 must be disclosed. However, you may omit traffic citations
3 which do not constitute a misdemeanor or felony offense”, Respondent concealed and failed to
4 disclose the conviction described in Paragraph 4, below.

5 4

6 On or about May 17, 2010, in the Superior Court of California, County of Butte,
7 Case No. SCR77198, Respondent was convicted of violating Section 23152(b) of the California
8 Vehicle Code (Driving Under the Influence), a misdemeanor and a crime which bears a
9 substantial relationship under Section 2910, Title 10, California Code of Regulations, to the
10 qualifications, functions or duties of a real estate licensee.

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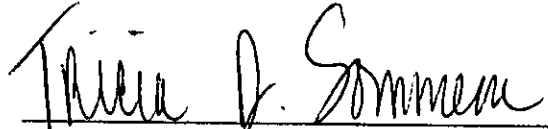
12 Respondent’s failure to reveal in his renewal application for a real estate
13 salesperson license the conviction set forth in Paragraph 4, above, constitutes the procurement of
14 or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making a
15 material misstatement of fact in said application, which failure is cause for denial of
16 Respondent’s renewal application for a real estate salesperson license pursuant to the provisions
17 of Sections 480(c) and 10177(a) of the Code.

18 6

19 The facts alleged in Paragraphs 3 and 4, above, constitute a cause under Sections
20 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of
21 Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondent under the Code, and for such other
4 and further relief as may be proper under the provisions of law.

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7 TRICIA D. SOMMERS
8 Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 14th day of January, 2011.

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