

**FILED**

**AUG 13 2013**

**BUREAU OF REAL ESTATE**

By *[Signature]*

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

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	DRE No. H-5645 SAC
	)	
DANIKA J. MC LEAN and	)	<u>STIPULATION AND AGREEMENT</u>
JAMES WILLIAM BROWN,	)	<u>IN SETTLEMENT AND ORDER</u>
	)	
	)	(JAMES WILLIAM BROWN ONLY)
Respondents.	)	

It is hereby stipulated by and between JAMES WILLIAM BROWN  
(Respondent) and the Complainant, acting by and through Richard K. Uno, Counsel for the  
Department of Real Estate; as follows for the purpose of settling and disposing of the  
Accusation filed on July 27, 2011, in this matter:

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

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

1                   3. On August 2, 2011, Respondent filed a Notice of Defense pursuant to  
2 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 their rights to require the Commissioner to prove the allegations  
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and  
7 that they will waive other rights afforded to them in connection with the hearing such as the  
8 right to present evidence in defense of the allegations in the Accusation and the right to cross-  
9 examine witnesses.

10                   4. This stipulation is based on the factual allegations contained in the Accusation.  
11 In the interest of expediency and economy, Respondent chooses not to contest these factual  
12 allegations, but to remain silent and understand that, as a result thereof, these factual statements  
13 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.  
14 The Real Estate Commissioner shall not be required to provide further evidence to prove such  
15 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 his Decision in this matter, thereby  
18 imposing the penalties and sanctions on Respondent's real estate licenses and license rights as  
19 set forth in the below "Order". In the event that the Commissioner in his discretion does not  
20 adopt the Stipulation and Agreement In Settlement and Order, it shall be void and of no effect,  
21 and Respondent shall retain the right to a hearing and proceeding on the Accusation under all  
22 the 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 of  
26 Real Estate with respect to any matters which were not specifically alleged to be causes for  
27 accusation in this proceeding.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers, and solely for  
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and  
4 agreed that the acts and/or omissions of Respondent, as described in the Accusation, constitute  
5 grounds for the suspension or revocation of the licenses and license rights of Respondent  
6 under the provisions of Section 10177(g) of the Business of Professions Code (the Code).

7 ORDER

8 1. The real estate broker license and license rights of Respondent under the  
9 Real Estate Law are suspended for a period of sixty (60) days from the effective date of this  
10 Order; provided, however, that:

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

13 b) That no final subsequent determination be made, after hearing or upon  
14 stipulation that cause for disciplinary action occurred within two (2) years from the effective  
15 date of this Order. Should such a determination be made, the Commissioner may, in his  
16 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
17 suspension. Should no such determination be made, the stay imposed herein shall become  
18 permanent.

19  
20 6/13/13  
21 DATED

22 Richard K. Uno  
23 RICHARD K. UNO, Counsel  
24 DEPARTMENT OF REAL ESTATE

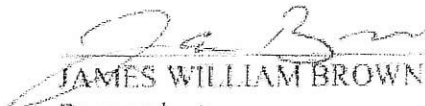
25 \* \* \*

26 I have read the Stipulation and Agreement in Settlement and Order and its terms  
27 are understood by me and are agreeable and acceptable to me. I understand that I am waiving  
rights given to me by the California Administrative Procedure Act (including but not limited to  
Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,

1 intelligently, and voluntarily waive those rights, including the right of requiring the  
2 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the  
3 right to cross-examine witnesses against me and to present evidence in defense and mitigation  
4 of the charges.

5  
6 6-3-13

7 DATED

8   
9 JAMES WILLIAM BROWN  
10 Respondent

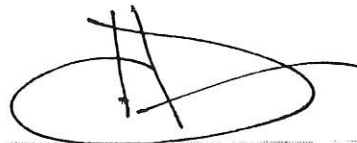
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12  
13 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
14 Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on

15 SEP 03 2013

16 IT IS SO ORDERED

17 July 19, 2013

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21 By: JEFFREY MASON  
22 Chief Deputy Commissioner  
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