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APR 30 2025

DEPT. OF REAL ESTATE

By

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

*** * ***

In the Matter of the Accusation of:

No. H-05746-SD

**CLIFFORD ROBERT STEVENS and
RANDALL TODD CUNNINGHAM,**

STIPULATION AND AGREEMENT

Respondents.

It is hereby stipulated and agreed by and between Respondents CLIFFORD ROBERT STEVENS ("STEVENS") and RANDALL TODD CUNNINGHAM ("CUNNINGHAM"), collectively, "Respondents," and their attorney of record, Michael J. Khouri, Esq., and the Complainant, acting by and through Laurence Haveson, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on April 12, 2024 ("Accusation") 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 ("Stipulation").

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

4 3. On April 29, 2024, Respondents each filed a Notice of Defense pursuant to section
5 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notice of Defense,
8 Respondents will thereby waive their right to require the Real Estate Commissioner
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondents will waive other rights afforded
11 to them in connection with the hearing such as the right to present evidence in defense of the
12 allegations in the Accusation and the right to cross-examine witnesses.

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

19 5. This Stipulation and Respondents' decisions not to contest the Accusation are made
20 for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this
21 proceeding and any other proceeding or case brought by the Department, or another licensing agency
22 of this state, another state, or the federal government, and otherwise shall not be admissible in any
23 other criminal or civil proceedings.

24 6. It is understood by the parties that the Real Estate Commissioner may adopt the
25 Stipulation and Agreement as her Decision in this matter, thereby imposing the penalty and
26 sanctions on Respondents' real estate licenses and license rights as set forth in the "Order" below.
27 In the event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void
28 and of no effect, and Respondents shall retain the right to a hearing and proceeding on the

1 Accusation under all the provisions of the APA and shall not be bound by any admission or waiver
2 made herein.

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

7 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to
8 pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation and
9 enforcement of this matter. The amount of the investigation costs is \$2,026.90 and the amount of
10 the enforcement costs is \$1,207.20, for a sum total of \$ 3,234.10. Respondents understand that they
11 are jointly and severally responsible for payment of the sum total of \$3,234.10.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose
14 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
15 following Determination of Issues shall be made:

16 I.

17 The conduct, acts, and/or omissions of Respondent STEVENS as alleged in the Accusation,
18 constitute cause for the suspension or revocation of all real estate licenses and license rights of
19 STEVENS under California Business and Professions Code ("Code") sections 10177(h), and
20 10177(d) and/or 10177(g), and California Code of Regulations ("Regulation(s)", title 10, section
21 2725.

22 II.

23 The conduct, acts, and/or omissions of Respondent CUNNINGHAM as alleged in the
24 Accusation, constitute cause for the suspension or revocation of all real estate licenses and license
25 rights of CUNNINGHAM under Code sections 10130, 10137, 10140.6, 10159.5, 10166.02(b)(2),
26 10235.5, 10236.4, and 10177(d) and/or 10177(g), and Regulations 2773(a) and 2847.3.

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1 automatically until payment is made in full, or until a decision providing otherwise is
2 adopted following a hearing held pursuant to this condition. Respondent STEVENS shall
3 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
4 Department under the terms of this Decision and Order.

5 f. If Respondent STEVENS pays the monetary penalty under this Stipulation
6 and Agreement and if no further cause for disciplinary action against the Real Estate
7 license(s) of Respondent STEVENS occurs within two (2) years from the effective date of
8 this Decision and Order, the entire stay hereby granted pursuant to this Decision and Order,
9 shall become permanent.

10 2. The remaining (60) days of said suspension shall be stayed for two (2) years upon
11 the following terms and conditions:

12 a. Respondent STEVENS shall obey all laws, rules and regulations governing
13 the rights, duties and responsibilities of a real estate licensee in the State of California.

14 b. No further cause for disciplinary action against the Real Estate license(s) of
15 Respondent STEVENS occurs within two (2) years from the effective date of the Decision
16 and Order in this matter.

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

23 3. Respondent STEVENS shall pay, jointly or severally with Respondent
24 CUNNINGHAM, the sum of \$3,234.10 for the Commissioner's reasonable costs of the
25 investigation and enforcement which led to this disciplinary action, **within one-hundred and**
26 **eighty (180) days from the effective date of this Decision and Order.** Said payment shall be in
27 the form of a cashier's check made payable to the Department of Real Estate. **The investigative**
28 **and enforcement costs must be delivered to the Department of Real Estate, Flag Section at 651**

1 **Bannon Street, Suite 504, Sacramento, CA 95811. Payment of investigation and enforcement**
2 **costs should not be made until the Stipulation has been approved by the Commissioner. If**
3 Respondents fail to satisfy this condition in a timely manner as provided for herein, Respondents'
4 real estate licenses shall automatically be suspended until payment is made in full, or until a decision
5 providing otherwise, is adopted following a hearing held pursuant to this condition.

6 4. Respondent STEVENS's signature below indicates full agreement to the terms of
7 this Stipulation and Agreement and to the terms set forth herein.

8 II.

9 All licenses and licensing rights of Respondent CUNNINGHAM under the Real Estate Law
10 are suspended for a period of ninety (90) days from the effective date of this Decision and Order;
11 provided, however, that:

12 1. Thirty (30) days of said suspension shall be stayed upon the condition that
13 Respondent CUNNINGHAM petitions pursuant to Code section 10175.2 and pays a monetary
14 penalty pursuant to Code section 10175.2 at the rate of fifty dollars (\$50.00) for each day of the
15 suspension for a total monetary penalty of \$1,500 (\$50.00 per day X thirty (30) days = \$1,500), and
16 upon the following terms and conditions:

17 a. Said payment shall be in the form of a cashier's check made payable to the
18 Department of Real Estate. Said check must be delivered to the Department of Real Estate,
19 Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective
20 date of this Decision and Order. **Payment of said monetary penalty should not be made**
21 **until the Stipulation has been approved by the Commissioner.**

22 b. Respondent CUNNINGHAM shall obey all laws, rules and regulations
23 governing the rights, duties and responsibilities of a real estate licensee in the State of
24 California.

25 c. No further cause for disciplinary action against the Real Estate license(s) of
26 Respondent CUNNINGHAM occurs within two (2) years from the effective date of the
27 Decision and Order in this matter.

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1 d. That no final subsequent determination be made, after hearing or upon
2 stipulation, that cause of disciplinary action occurred within two (2) years from the effective
3 date of this Decision and Order. Should such a determination be made, the Commissioner
4 may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of
5 the stayed suspension. Should no such determination be made, the stay imposed herein shall
6 become permanent.

7 e. If Respondent CUNNINGHAM fails to pay the monetary penalty in
8 accordance with the terms and conditions of this Decision and Order, the suspension shall
9 go into effect automatically until payment is made in full, or until a decision providing
10 otherwise is adopted following a hearing held pursuant to this condition. Respondent
11 CUNNINGHAM shall not be entitled to any repayment nor credit, prorated or otherwise, for
12 money paid to the Department under the terms of this Decision and Order.

13 f. If Respondent CUNNINGHAM pays the monetary penalty under this
14 Stipulation and Agreement and if no further cause for disciplinary action against the Real
15 Estate license(s) of Respondent CUNNINGHAM occurs within two (2) years from the
16 effective date of this Decision and Order, the entire stay hereby granted pursuant to this
17 Decision and Order, shall become permanent.

18 2. The remaining (60) days of said suspension shall be stayed for two (2) years upon
19 the following terms and conditions:

20 a. Respondent CUNNINGHAM shall obey all laws, rules and regulations
21 governing the rights, duties and responsibilities of a real estate licensee in the State of
22 California.

23 b. No further cause for disciplinary action against the Real Estate license(s) of
24 Respondent CUNNINGHAM occurs within two (2) years from the effective date of the
25 Decision and Order in this matter.

26 c. That no final subsequent determination be made, after hearing or upon
27 stipulation, that cause of disciplinary action occurred within two (2) years from the effective
28 date of this Decision and Order. Should such a determination be made, the Commissioner

1 may, in her discretion, vacate and set aside the stay order and reimpose all or a portion of
2 the stayed suspension. Should no such determination be made, the stay imposed herein shall
3 become permanent.

4 3. Respondent CUNNINGHAM shall pay, jointly or severally with Respondent
5 STEVENS, the sum of \$3,234.10 for the Commissioner's reasonable costs of the investigation and
6 enforcement which led to this disciplinary action, **within one-hundred and eighty (180) days from**
7 **the effective date of this Decision and Order.** Said payment shall be in the form of a cashier's
8 check made payable to the Department of Real Estate. **The investigative and enforcement costs**
9 **must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite**
10 **504, Sacramento, CA 95811. Payment of investigation and enforcement costs should not be**
11 **made until the Stipulation has been approved by the Commissioner.** If Respondents fail to
12 satisfy this condition in a timely manner as provided for herein, Respondents' real estate licenses
13 shall automatically be suspended until payment is made in full, or until a decision providing
14 otherwise, is adopted following a hearing held pursuant to this condition.

15 4. Respondent CUNNINGHAM's signature below indicates full agreement to the terms
16 of this Stipulation and Agreement and to the terms set forth herein.

17
18 DATED: 04/04/2025


19 Laurence D. Haveson
20 Counsel for Complainant

21 * * *

22 EXECUTION OF THE STIPULATION

23 We have read this Stipulation and its terms are understood by us and are agreeable and
24 acceptable to us. We understand that we are waiving rights given to us by the California APA
25 (including, but not limited to, sections 11506, 11508, 11509, and 11513 of the Government Code),
26 and we willingly, intelligently, and voluntarily waive those rights, including the right of requiring
27 the Commissioner to prove the allegations in the Accusation at a hearing at which we would have
28 the right to cross-examine witnesses against us and to present evidence in defense and mitigation of
the charges.

1 Respondents can signify acceptance and approval of the terms and conditions of this
2 Stipulation by causing the Stipulation to be e-mailed with Respondents' digital signatures to
3 Laurence Haveson, Real Estate Counsel at Laurence.Haveson@dre.ca.gov, or by sending a hard
4 copy of the original signed signature page of the Stipulation herein to Laurence D. Haveson,
5 Department of Real Estate, Legal Section, 320 W. Fourth St., Suite 350, Los Angeles, CA 90013-
6 1105. In the event of time constraints before an administrative hearing, Respondents can signify
7 acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing or
8 e-mailing a scanned copy of the signature page, as actually signed by Respondents, to the
9 Department counsel assigned to this case. Respondents agree, acknowledge, and understand that by
10 electronically sending the Stipulation and Agreement to the Department with Respondents' digital
11 signatures or a scan of Respondents' actual signatures as they appear on the Stipulation and
12 Agreement, that receipt of the Stipulation and Agreement with Respondents' digital signatures or a
13 scan of their actual signatures by the Department shall be as binding on Respondents as if the
14 Department had received the original signed Stipulation and Agreement. By signing this Stipulation
15 and Agreement, Respondents understand and agree that Respondents may not withdraw their
16 agreement or seek to rescind the Stipulation and Agreement prior to the time the Commissioner
17 considers and acts upon it or prior to the effective date of the Stipulation and Order.

18 MAILING

19 In the event that Respondents decline to digitally sign the Stipulation, Respondents shall,
20 within five (5) business days from signing the Stipulation, mail the original signed signature page(s)
21 of the Stipulation herein to Laurence Haveson, Attention: Legal Section, Department of Real
22 Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

23 Respondents' signatures below constitutes acceptance and approval of the terms and
24 conditions of this Stipulation. Respondents agree, acknowledge, and understand that by signing
25 this Stipulation Respondents are bound by its terms as of the date of such signatures and that this
26 agreement is not subject to rescission or amendment at a later date except by a separate Decision
27 and Order of the Real Estate Commissioner.

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1 DATED: 04/03/2025

Respondent CLIFFORD ROBERT STEVENS

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4 DATED: 04/04/2025

Respondent RANDALL TODD CUNNINGHAM

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7 DATED: 04/01/2025

8 Michael J. Khouri
9 Attorney for Respondents
10 *Approved as to Form*

11 * * *

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

14 May 20, 2025.

15 IT IS SO ORDERED

4/24/2025

16
17 CHIKA SUNQUIST
18 REAL ESTATE COMMISSIONER

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20 By: Marcus L. McCarther
21 Chief Deputy Real Estate Commissioner