

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 of Real Estate
3 ("Department") in this proceeding.

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

12 4. Respondents hereby admit that the factual allegations of the Accusation filed
13 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to
14 provide further evidence of such allegations.

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

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

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

5 DETERMINATION OF ISSUES

6 By reason of the foregoing, it is stipulated and agreed that the following
7 determination of issues shall be made:

8 I.

9 The conduct, acts or omissions of Respondent D&M REALTY AND
10 MANAGEMENT, as set forth in the Accusation, are in violation of Code sections 10145 and
11 Sections 2831, 2831.1, and 2832.1 of Title 10, Chapter 6 of the California Code of Regulations
12 ("Regulations") and are a basis for discipline of Respondent's licenses and licensing rights
13 pursuant to Code sections 10177(d) and/or 10177(g).

14 II.

15 The conduct, acts or omissions of Respondent ANGELA SUE DURBIN, as set forth in
16 the Accusation, are in violation of Code sections 10145 and 10159.2 and Sections 2725, 2831,
17 2831.1, and 2832.1 of the Regulations and are a basis for discipline of Respondent's licenses and
18 licensing rights pursuant to Code sections 10177(d), 10177(g), and/or 10177(h).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 (D&M REALTY AND MANAGEMENT)

22 I.

23 All licenses and licensing rights of Respondent D&M REALTY AND
24 MANAGEMENT under the Real Estate Law are suspended for a period of sixty (60) days from
25 the effective date of this Decision and Order; provided, however, that:

26 A. The initial thirty (30) days of said suspension shall be stayed upon the
27 following terms and conditions:

1 1. Respondent shall pay a monetary penalty pursuant to Code section
2 10175.2 at the rate of \$50.00 per day for each of the thirty (30) days of suspension for a total
3 monetary penalty of \$1,500.00.

4 2. Said payment shall be in the form of a cashier's check made payable to
5 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
6 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the
7 effective date of this Decision and Order.

8 3. No further cause for disciplinary action against the real estate licenses of
9 Respondents occurs within one (1) year from the effective date of the Decision and Order in this
10 matter.

11 4. If Respondent fails to pay the monetary penalty in accordance with the
12 terms and conditions of the Decision and Order, the suspension shall go into effect automatically.
13 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money
14 paid to the Department under the terms of this Decision and Order.

15 5. If Respondent pays the monetary penalty and if no further cause for
16 disciplinary action against the real estate licenses of Respondent occurs within one (1) year from
17 the effective date of the Decision and Order, the entire stay hereby granted pursuant to this
18 Decision and Order shall become permanent.

19 B. The remaining thirty (30) days shall be stayed for one (1) year upon the
20 following terms and conditions:

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

23 2. That no final subsequent determination be made after hearing or upon
24 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
25 of this Decision and Order. Should such a determination be made, the Commissioner may, in her
26 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
27

1 suspension. Should no such determination be made under this section, the stay imposed herein
2 shall become permanent.

3 (ANGELA SUE DURBIN)

4 II.

5 All licenses and licensing rights of Respondent ANGELA SUE DURBIN under
6 the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this
7 Decision and Order; provided, however, that:

8 A. The initial thirty (30) days of said suspension shall be stayed upon the
9 following terms and conditions:

10 1. Respondent shall pay a monetary penalty pursuant to Code section
11 10175.2 at the rate of \$50.00 per day for each of the thirty (30) days of suspension for a total
12 monetary penalty of \$1,500.00.

13 2. Said payment shall be in the form of a cashier's check made payable to
14 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
15 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the
16 effective date of this Decision and Order.

17 3. No further cause for disciplinary action against the real estate licenses
18 of Respondents occurs within one (1) year from the effective date of the Decision and Order in
19 this matter.

20 4. If Respondent fails to pay the monetary penalty in accordance with the
21 terms and conditions of the Decision and Order, the suspension shall go into effect automatically.
22 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money
23 paid to the Department under the terms of this Decision and Order.

24 5. If Respondent pays the monetary penalty and if no further cause for
25 disciplinary action against the real estate licenses of Respondent occurs within one (1) year from
26 the effective date of the Decision and Order, the entire stay hereby granted pursuant to this
27 Decision and Order shall become permanent.

STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

1 B. The remaining thirty (30) days shall be stayed for one (1) year upon the
2 following terms and conditions:

3 1. That Respondent shall obey all laws, rules and regulations governing
4 the rights, duties and responsibilities of a real estate licensee in the State of California; and

5 2. That no final subsequent determination be made after hearing or upon
6 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
7 of this Decision and Order. Should such a determination be made, the Commissioner may, in her
8 discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
9 suspension. Should no such determination be made under this section, the stay imposed herein
10 shall become permanent.

11 (SUBSEQUENT AUDIT COSTS)

12 III.

13 Pursuant to Code section 10148 of the Code, Respondents shall, jointly and
14 severally, pay the Commissioner's reasonable costs not to exceed \$12,820.63 for a subsequent
15 audit to determine if Respondents have corrected the violations found in the Determination of
16 Issues. In calculating the amount of the Commissioner's reasonable costs, the Commissioner may
17 use the estimated average hourly salary for all persons performing audits of real estate brokers,
18 and shall include an allocation for travel time to and from the auditor's place of work.

19 Respondents shall pay such costs within sixty (60) days of receiving an invoice therefore from
20 the Commissioner. Payment of the audit costs should not be made until Respondents receive the
21 invoice. If Respondents fail to satisfy this condition in a timely manner as provided for herein,
22 Respondents' real estate license shall automatically be suspended until payment is made in full,
23 or until a decision providing otherwise is adopted following a hearing held pursuant to this
24 condition.

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(INVESTIGATION AND ENFORCEMENT COSTS)

IV.


Respondents shall, jointly and severally, pay the Commissioner's reasonable costs of the investigation and enforcement which led to this disciplinary action. The total amount of said investigation (\$343.85) and enforcement (\$778.80) costs is \$1,122.65. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If Respondents fail to pay the costs of the investigation and enforcement in accordance with the terms and conditions of the Decision and Order, all licenses and license rights of Respondents shall be automatically suspended unless or until Respondents pay the costs of the investigation and enforcement.

(TRUST FUND ACCOUNTING AND HANDLING COURSE)

V.

Respondent ANGELA SUE DURBIN further agrees to provide proof satisfactory to the Commissioner of having taken and successfully completed the continuing education course on trust fund accounting and handling as specified in Paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof of satisfaction of this requirement includes evidence that Respondent has successfully completed the trust fund accounting and handling continuing education course within one hundred and twenty days (120) days prior to the effective date of the Decision and Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this Decision and Order.

DATED: 5/2/2024


Judith A. Buranday, Counsel for
Department of Real Estate

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1 DATED: 5/2/24

2 [REDACTED]
D&M REALTY AND MANAGEMENT

3 Respondent

4 By: Angie Durbin

5 DATED: 5/2/24

6 [REDACTED]
ANGELA SUE DURBIN, individually and
7 as Designated Officer of D&M Realty and Management,
8 Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
11 Respondents D&M REALTY AND MANAGEMENT and ANGELA SUE DURBIN and shall
12 become effective at 12 o'clock noon on JUN 20 2024

13 IT IS SO ORDERED 5/23/2024

14
15 CHIKA SUNQUIST
REAL ESTATE COMMISSIONER

16 [REDACTED]
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18 By: Marcus L. McCarther
19 Chief Deputy Real Estate Commissioner
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