

1 BUREAU OF REAL ESTATE
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3 Sacramento, CA 95813-7007

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FILED

MAR 11 2014

BUREAU OF REAL ESTATE

By H. Contreras

6 BEFORE THE BUREAU OF REAL ESTATE

7 STATE OF CALIFORNIA

8 * * *

9 In the Matter of the Accusation of)

NO. H-5964 SAC

10 TERRI RAWSON BOWMAN,)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

12 Respondent.)

13 It is hereby stipulated by and between TERRI RAWSON BOWMAN (herein
14 "Respondent") and the Complainant, acting by and through Mary F. Clarke, Counsel for the
15 Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing
16 of the Accusation filed on March 12, 2013 in this matter:

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

22 2. Respondent has received, read and understands the Statement to Respondent,
23 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

24 3. A Notice of Defense was filed on March 20, 2013 by Respondent pursuant to
25 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
26 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
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1 Respondent acknowledges that she understands that by withdrawing said Notice of Defense, she
2 will thereby waive her rights to require the Real Estate Commissioner (herein "Commissioner")
3 to prove the allegations in the Accusation at a contested hearing held in accordance with the
4 provisions of the APA and that she will waive other rights afforded to her in connection with the
5 hearing such as the right to present evidence in defense of the allegations in the Accusation and
6 the right to cross-examine witnesses.

7 4. Respondent hereby admits that the factual allegations pertaining to her in the
8 Accusation filed in this proceeding are true and correct and the Commissioner shall not be
9 required to provide further evidence of such allegations.

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

17 6. The Order or any subsequent Order of the Commissioner made pursuant to this
18 Stipulation and Agreement in Settlement and Order shall not constitute an estoppel, merger, or bar
19 to any further administrative or civil proceedings by the Bureau with respect to any matters
20 which were not specifically alleged to be causes for Accusation in this proceeding.

21 7. Respondent understands that by agreeing to this Stipulation and Agreement in
22 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the California
23 Business and Professions Code (herein "Code"), the cost of the audit which resulted in the
24 determination that Respondent committed the violations found in the Determination of Issues.
25 The amount of said costs is \$4,588.50.

1 8. Respondent understands that by agreeing to this Stipulation and Agreement in
2 Settlement and Order, the findings set forth below in the Determination of Issues become final,
3 and that the Commissioner may charge said Respondent, for the costs of any audit conducted
4 pursuant to Section 10148 of the Code to determine if the trust fund violations found in the
5 Determination of Issues, below, have been corrected. The maximum costs of said audit shall not
6 exceed \$4,588.50.

7 9. Respondent further understands that by agreeing to this Stipulation and
8 Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106(a) of
9 the Code, investigative and enforcement costs of \$1,666.70 which led to this disciplinary action.

10 DETERMINATION OF ISSUES

11 The acts and omissions of Respondent as described in the Accusation are grounds
12 for the suspension or revocation of the license and license rights of Respondent under the
13 following provisions of the Code and/or Chapter 6, Title 10, California Code of Regulations
14 (herein "the Regulations"):

- 15 (a) as to paragraph 6(a) under Section 10145 of the Code and Section
16 2832 of the Regulations in conjunction with Section 10177(d) of the
17 Code;
18 (b) as to paragraph 6(b) under Section 2831 of the Regulations in
19 conjunction with Section 10177(d) of the Code;
20 (c) as to paragraph 6(c) under Section 2831.1 of the Regulations in
21 conjunction with Section 10177(d) of the Code;
22 (d) as to Paragraph 6(d) under Sections 2831.2 of the Regulations in
23 conjunction with Section 10177(d) of the Code;
24 (e) as to Paragraph 6(e) under Sections 2831(a)(6) of the Regulations in
25 conjunction with Section 10177(d) of the Code;
26 (f) as to paragraph 6(f) under Section 10159.5 of the Code and Section
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2731 of the Regulations in conjunction with Section 10177(d) of the Code; and

(g) as to paragraph 6(g) under Section 10140.6 of the Code and Section 2773 of the Regulations in conjunction with Section 10177(d) of the Code.

ORDER

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

1. All licenses and licensing rights of Respondent under the Real Estate Law are suspended until such time as Respondent provides proof satisfactory to the Commissioner that Respondent has, within one hundred twenty (120) days prior to the effective date of the Order herein completed the continuing education course on trust fund accounting and handling specified in subdivision (a) of Section 10170.5 of the Code.

2. Sixty (60) days of said ninety (90) day said suspension shall be stayed for two (2) years upon the following terms and conditions:

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

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

1 3. The remaining thirty (30) days of said ninety (90) day suspension shall be
2 stayed upon the condition that Respondent petitions, pursuant to Section 10175.2 of the Code,
3 and pays a monetary penalty, pursuant to Section 10175.2, of the Code at a rate of \$50.00 for
4 each day of said remaining thirty (30) days for a total monetary penalty of \$1,500.00:

5 (a) Said payment shall be in the form of a cashier's check or certified
6 check made payable to the Recovery Account of the Real Estate Fund.
7 Said check must be received by the Bureau prior to the effective date
8 of this Order.

9 (b) No further cause for disciplinary action against the Real Estate license
10 of Respondent occurs within two (2) years from the effective date of
11 this Order.

12 (c) If Respondent fails to pay the monetary penalty as provided above prior
13 to the effective date of this Order, the suspension shall go into effect
14 automatically and remain in effect until Respondent pays the monetary
15 penalty in full, in which event Respondent shall not be entitled to any
16 repayment nor credit, prorated or otherwise, for the money paid to the
17 Bureau under the terms of this Order.

18 (d) If Respondent pays the monetary penalty and any other moneys due
19 under this Stipulation and Agreement in Settlement and if no further
20 cause for disciplinary action against the real estate license of
21 Respondent occurs within two (2) years from the effective date of this
22 Order, the entire stay hereby granted under this Order shall become
23 permanent.

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25 4. Respondent understands that by agreeing to this Stipulation and Agreement in
26 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the Code, the cost
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1 of the audit which resulted in the determination that Respondent committed the trust fund
2 violations found in the Determination of Issues, above. The amount of said cost is \$4,588.50.
3 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
4 Commissioner. If Respondent fails to pay such cost within the sixty (60) days, Respondent's real
5 estate license shall automatically be suspended until Respondent's payment is made in full or
6 until Respondent enters into an agreement satisfactory to the Commissioner to provide for
7 payment. Upon payment in full, the indefinite suspension provided for in this paragraph shall be
8 stayed.

9 5. Respondent shall pay the Commissioner's costs, not to exceed \$4,588.50, of
10 any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
11 corrected the violations described in the Determination of Issues, above. In calculating the
12 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
13 hourly salary for all persons performing audits of real estate brokers, and shall include an
14 allocation for travel time to and from the auditor's place of work. Respondent shall pay such
15 cost within sixty (60) days of receiving an invoice therefore from the Commissioner detailing
16 the activities performed during the audit and the amount of time spent performing those
17 activities. If Respondent fails to pay such cost within the sixty (60) days, Respondent's real estate
18 license shall automatically be suspended until Respondent's payment is made in full or until
19 Respondent enters into an agreement satisfactory to the Commissioner to provide for payment.
20 Upon payment in full, the indefinite suspension provided for in this paragraph shall be stayed.

21 6. Respondent shall pay the sum of \$1,666.70 for the Commissioner's
22 investigative and enforcement costs, pursuant to Section 10106(a) of the Code, for the
23 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
24 form of a cashier's check or certified check made payable to the Real Estate Fund. Said check
25 must be received by the Bureau prior to the effective date of this Order. If Respondent fails to
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1 satisfy this condition, Respondent's real estate license shall automatically be suspended until
2 Respondent's payment is made in full.

3 7. Respondent shall, within six (6) months from the effective date of this Order,
4 take and pass the Professional Responsibility Examination administered by the Bureau,
5 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
6 condition Respondent's real estate license shall automatically be suspended until Respondent
7 passes the examination.

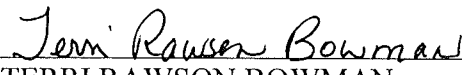
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10 1-15-14
11 DATED

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13 MARY F. CLARKE, Counsel
14 BUREAU OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Agreement in Settlement and Order and its terms
17 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
18 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
19 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
20 those rights, including the right of requiring the Commissioner to prove the allegations in the
21 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
22 and to present evidence in defense and mitigation of the charges.

23 1/14/14
24 DATED

25 
26 TERRI RAWSON BOWMAN
27 Respondent


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

3 APR 10, 2014.

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5 IT IS SO ORDERED February 6, 2014.

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7 REAL ESTATE COMMISSIONER

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10 By: JEFFREY MASON
11 Chief Deputy Commissioner
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PROFESSIONAL RESPONSIBILITY EXAMINATION APPLICATION

RE 283 (Rev. 7/13)

NAME OF LICENSEE

LICENSE ID NUMBER

H#

GENERAL INFORMATION

This form is to be used to request both the Professional Responsibility course materials and Professional Responsibility Admittance Ticket. To obtain this material, you must first complete the bottom portion of this form in full, and submit it along with the appropriate examination fee. Once this application and fee have been received, materials will then be mailed to the address provided in the mailing address portion of this application below.

Complete the information requested below.

Examination Fee

\$25 Salesperson

\$50 Broker

Acceptable payment methods

- Cashiers' check, money order, check, or credit card
- Make check or money order payable to:
Bureau of Real Estate
- Credit card payments must be submitted with a Credit Card Payment Form (RE 909)

Mail this form and examination fee to:

Bureau of Real Estate
Attn: Flag Section
P.O. Box 137013
Sacramento, CA 95813-7013

EXAMINATION INFORMATION

- Examinations are given on the *second Tuesday* of each month on a "walk-in" basis only. You may attend any Professional Responsibility examination session that you wish, at any one of the offices listed on this form. Should the second Tuesday of the month fall on a state holiday, the exam will be administered on the third Tuesday of the month.
- **Do not lose the Exam Admittance Ticket.** You *must* present the Examination Admittance Ticket and photo identification prior to admittance to the examination.
- You will be required to substantiate any changes of name from that shown above (i.e. marriage license, legal name change documents, etc.).
- You will be allowed two hours and 15 minutes to complete 75 multiple choice questions. You must receive a minimum score of 70% to pass the examination.
- Your results will be mailed **only** to the mailing address as shown below approximately two weeks after the examination. If you have not received your results within that time, you may call (916) 227-0906 for further information.

EXAMINATION LOCATIONS, REGISTRATION TIMES, AND START TIMES

Examination Locations	Registration Time	Start Time
Oakland District Office 1515 Clay Street, Suite 702 Oakland, CA 94612	8:45 A.M.	9:00 A.M.
Fresno District Office 2550 Mariposa Mall, Suite 3074 Fresno, CA 93721	8:45 A.M.	9:00 A.M.
Los Angeles Vicinity — La Palma Electronic Exam Center 1 Centerpointe Drive, Suite 370, 3rd Floor La Palma, CA 90623	11:45 A.M.	12:00 P.M.
Sacramento District Office 1651 Exposition Blvd Sacramento, CA 95815	11:45 A.M.	12:00 P.M.
San Diego Electronic Exam Center 7630 Carroll Road, Suite 100 San Diego, CA 92126	12:00 P.M.	12:15 P.M.

SUBVERSION OF EXAMINATION

It is a misdemeanor for any person to subvert or attempt to subvert any licensing examination. Business and Professions Code (B&P) Sections 123, 123.5, and 496 relate to examination security and provide that BRE may deny, suspend, restrict, or revoke the license of an applicant or licensee who subverts or attempts to subvert a licensing examination.

In addition to any other penalties, a person found guilty of violating B&P §123 shall be liable for the actual damages sustained by the agency administering the examination not to exceed ten thousand dollars (\$10,000) and the costs of litigation.

MAILING ADDRESS (FOR COURSE MATERIAL AND EXAM ADMITTANCE TICKET)

STREET ADDRESS

CITY

STATE

ZIP CODE

CERTIFICATION

I understand that I will be subject to the penalties of B&P §123 if I subvert the examination in any way. I also understand that the fee remitted will not be refunded under any circumstances (B&P §10207).

SIGNATURE OF LICENSEE

TELEPHONE NUMBER