

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8670

FILED

MAR 24 2015

BUREAU OF REAL ESTATE

By *[Signature]*

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of:) Case No. H-6065 SAC
12)
13 MARK E. CHRISCO, and) STIPULATION AND AGREEMENT
14 DANIEL JOSEPH BOSCH,) IN SETTLEMENT AND ORDER
15 Respondents.)

16 It is hereby stipulated by and between Respondents MARK E. CHRISCO
17 (“CHRISCO”), acting by a through CHRISCO’s counsel, Mary E. Work, DANIEL JOSEPH
18 BOSCH (“BOSCH”), acting by and through BOSCH’s counsel, Frank M. Buda, and the
19 Complainant, acting by and through Jason D. Lazark, Counsel for the Bureau of Real Estate, as
20 follows for the purpose of settling and disposing of the First Amended Accusation filed on
21 February 11, 2014, in this matter:

22 1. All issues which were to be contested and all evidence which was to be
23 presented by Complainant and Respondents CHRISCO and BOSCH (collectively referred to
24 herein as “Respondents”) at a formal hearing on the First Amended Accusation, which hearing
25 was to be held in accordance with the provisions of the Administrative Procedure Act
26 (“APA”), shall instead and in place thereof be submitted solely on the basis of the provisions of
27 this Stipulation and Agreement In Settlement and Order (“Stipulation and Agreement”).

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

4 3. Respondents filed Notices of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the First
6 Amended Accusation. Respondents hereby freely and voluntarily withdraw said Notices of
7 Defense. Respondents acknowledge that they understand that by withdrawing said Notices of
8 Defense they will thereby waive their rights to require the Commissioner to prove the
9 allegations in the First Amended Accusation at a contested hearing held in accordance with the
10 provisions of the APA and that they will waive other rights afforded to them in connection
11 with the hearing such as the right to present evidence in defense of the allegations in the First
12 Amended Accusation and the right to cross-examine witnesses.

13 4. This Stipulation and Agreement is based on the factual allegations contained
14 in the First Amended Accusation. In the interest of expedience and economy, Respondents
15 choose not to contest these factual allegations, but to remain silent and understand that, as a
16 result thereof, these factual statements will serve as a prima facie basis for the "Determination
17 of Issues" and "Order" set forth below. The Commissioner shall not be required to provide
18 further evidence to prove such allegations.

19 5. This Stipulation and Agreement is made for the purpose of reaching an
20 agreed disposition of this proceeding and is expressly limited to this proceeding and any other
21 proceeding or case in which the Bureau, the state or federal government, any agency of this
22 state, or an agency of another state is involved.

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

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

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

7 8. CHRISCO understands that by agreeing to this Stipulation and Agreement,
8 CHRISCO agrees to be responsible for paying, pursuant to Section 10148 of the California
9 Business and Professions Code ("the Code"), the costs of the audit which resulted in the
10 determination that CHRISCO committed the trust fund violation(s) found in the Determination
11 of Issues. The amount of such costs is \$4,279.57.

12 9. CHRISCO further understands that by agreeing to this Stipulation and
13 Agreement, the findings set forth below in the Determination of Issues become final, and that the
14 Commissioner may charge CHRISCO for the costs of any audit conducted pursuant to Section
15 10148 of the Code to determine if the violations have been corrected and hold CHRISCO
16 responsible for paying the costs of the follow up audit. The maximum costs of said audit shall
17 not exceed \$4,279.57.

18 10. Respondents understand that by agreeing to this Stipulation and Agreement,
19 Respondents agree to be responsible for jointly and severally paying, pursuant to Section 10106
20 of the Code, the costs of the investigation and enforcement of this case which resulted in the
21 determination that Respondents committed the violation(s) found in the Determination of Issues.
22 The amount of such costs is \$2,679.35.

23 DETERMINATION OF ISSUES

24 By reason of the foregoing stipulations, admissions and waivers, and solely for
25 the purpose of settlement of the pending First Amended Accusation without a hearing, it is
26 stipulated and agreed that the following determination of issues shall be made:

27 ///

I.

The acts and omissions of Respondent CHRISCO, as described in the First Amended Accusation, are grounds for the suspension or revocation of the licenses and license rights of Respondent CHRISCO under the provisions of Section 10177(g) of the Code, in conjunction with Sections 10085, 10085.5, 10085.6, 10145, 10145(a) and 10145(g) of the Code, and Sections 2831.1, 2831.2, 2832, 2832.1, 2970, and 2972 of Title 10 of the California Code of Regulations (“the Regulations”).

II.

The acts and omissions of Respondent BOSCH as described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent BOSCH under the provisions of Sections 10177(g) of the Code, in conjunction with Section 10085, 10085.5, 10085.6, and 10145(c) of the Code and Section 2970 and 2972 of the Regulations.

ORDER

I. AS TO CHRISCO

All licenses and licensing rights of CHRISCO under the Real Estate Law are suspended for a period of thirty (30) days from the effective date of this Order; provided, however, that:

1. Fifteen (15) days of said suspension shall be stayed upon the condition that CHRISCO petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code, at a rate of \$50 for each day of the suspension, for a total monetary penalty of \$750.00.

a. Said payment shall be in the form of a cashier’s check made payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

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1 b. No further cause for disciplinary action against the real estate license
2 of CHRISCO occurs within two (2) years from the effective date of the Order in this matter.

3 c. If CHRISCO fails to pay the monetary penalty in accordance with the
4 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
5 immediate execution of all or any part of the stayed suspension, in which event, CHRISCO shall
6 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau
7 under the terms of this decision.

8 d. If CHRISCO pays the monetary penalty, and if no further cause for
9 disciplinary action against the real estate license of CHRISCO occurs within two (2) years
10 from the effective date of the Decision herein, then the stay hereby granted shall become
11 permanent.

12 2. The remaining fifteen (15) days of said suspension shall also be stayed for
13 two (2) years upon the following terms and conditions:

14 a. CHRISCO shall obey all laws, rules and regulations governing the
15 rights, duties and responsibilities of a real estate licensee in the State of California, and

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

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

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1 4. All licenses and licensing rights of CHRISCO are indefinitely suspended
2 unless or until CHRISCO provides proof satisfactory to the Commissioner, of having taken and
3 successfully completed the continuing education course on trust fund accounting and handling
4 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
5 satisfaction of these requirements includes evidence that CHRISCO has successfully completed
6 the trust fund accounting and handling continuing education course, no earlier than one hundred
7 twenty (120) days prior to the effective date of the Order in this matter. Proof of completion of
8 the trust fund accounting and handling course must be delivered to the Bureau of Real Estate,
9 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-8785, prior
10 to the effective date of this Order.

11 5. All licenses and licensing rights of CHRISCO are indefinitely suspended
12 unless or until CHRISCO provides proof satisfactory to the Commissioner, of having taken and
13 successfully completed the continuing education course on risk management specified in
14 paragraph (5) of subdivision (a) of Section 10170.5 of the Code. Proof of satisfaction of this
15 requirement includes evidence that CHRISCO has successfully completed the risk management
16 continuing education course, no earlier than one hundred twenty (120) days prior to the effective
17 date of the Order in this matter. Proof of completion of the risk management course must be
18 delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
19 95813-7013 or by fax at 916-263-8785, prior to the effective date of this Order.

20 6. Pursuant to Section 10148 of the Code, CHRISCO shall pay the sum of
21 \$4,279.57 for the Commissioner's cost of the audit which led to this disciplinary action.
22 CHRISCO shall pay such cost within sixty (60) days of receiving an invoice therefore from the
23 Commissioner. Payment of audit costs should not be made until CHRISCO receives the invoice.
24 If CHRISCO fails to satisfy this condition in a timely manner as provided for herein,
25 CHRISCO's real estate license shall automatically be suspended until payment is made in full, or
26 until a decision providing otherwise is adopted following a hearing held pursuant to this
27 condition.

1 immediate execution of all or any part of the stayed suspension, in which event, BOSCH shall
2 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau
3 under the terms of this decision.

4 d. If BOSCH pays the monetary penalty, and if no further cause for
5 disciplinary action against the real estate license of BOSCH occurs within two (2) years from
6 the effective date of the Decision herein, then the stay hereby granted shall become permanent.

7 2. The remaining fifteen (15) days of said suspension shall also be stayed for
8 two (2) years upon the following terms and conditions:

9 a. BOSCH shall obey all laws, rules and regulations governing the
10 rights, duties and responsibilities of a real estate licensee in the State of California, and

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

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

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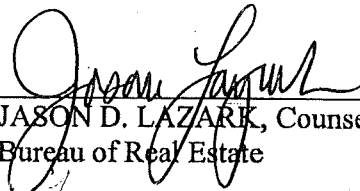
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III. AS TO BOTH CHRISCO AND BOSCH

All licenses and licensing rights of Respondents CHRISCO and BOSCH are indefinitely suspended unless or until Respondents CHRISCO and BOSCH, jointly and severally, pay the sum of \$2,679.35 for the Commissioner's reasonable costs of the investigation and enforcement which led to this disciplinary action. Said payment shall be in the form of a cashier's check or certified check made payable to the Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

2-19-15

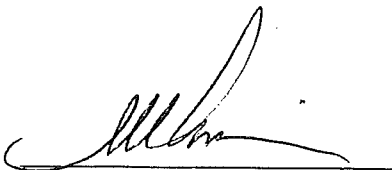
DATED


JASON D. LAZARK, Counsel
Bureau 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 Administrative Procedure Act (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 First Amended 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.

2/18/15

DATED


MARK EDWARD CHRISCO
Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

2/18/15

DATED

MARY E. WORK
Attorney for Respondent
MARK EDWARD CHRISCO

DATED

DANIEL JOSEPH BOSCH
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED

FRANK M. BUDA
Attorney for Respondent
DANIEL JOSEPH BOSCH

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

IT IS SO ORDERED _____

REAL ESTATE COMMISSIONER


1 *I have reviewed the Stipulation and Agreement as to form and content and*
2 *have advised my client accordingly.*

3
4 _____
5 DATED

6 _____
7 MARY E. WORK
8 Attorney for Respondent
9 MARK EDWARD CHRISCO

10 ***

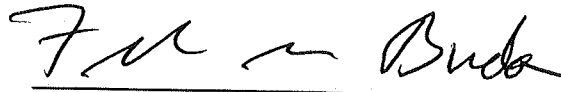
11 2/17/15
12 DATED

13 
14 _____
15 DANIEL JOSEPH BOSCH
16 Respondent

17 ***

18 *I have reviewed the Stipulation and Agreement as to form and content and*
19 *have advised my client accordingly.*

20 2-18-15
21 DATED

22 
23 _____
24 FRANK M. BUDA
25 Attorney for Respondent
26 DANIEL JOSEPH BOSCH

27 ***

28 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
29 this matter and shall become effective at 12 o'clock noon on APR 14 2015

30 IT IS SO ORDERED MARCH 19, 2015

31 REAL ESTATE COMMISSIONER

32 

33 _____
34 By: JEFFREY MASON
35 Chief Deputy Commissioner