

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

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FILED
JUL 23 2015

BUREAU OF REAL ESTATE
By L. West

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

NO. H-6106 SAC

12 CATHERINE RENE KING,)
13 GINA MARIE WEST, and)
14 SHASTA PROPERTIES, INC.,)

STIPULATION AND
AGREEMENT

Respondents.)

15 It is hereby stipulated by and between Respondent CATHERINE RENE KING
16 (“Respondent”), acting by and through Robert F. Hahn, Esq., Counsel for Respondent, and the
17 Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of Real
18 Estate (“Bureau”), as follows for the purpose of settling and disposing of the Accusation filed on
19 April 8, 2014, in this matter:

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

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

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

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expedience and economy, Respondent chooses not to contest these
12 factual allegations, but to remain silent and understands that, as a result thereof, these factual
13 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

16 5. This Stipulation and Respondent's decision not to contest the Accusation
17 are made for the purpose of reaching an agreed disposition in this proceeding and are expressly
18 limited to this proceeding and any other proceeding or case in which the Bureau, the state or
19 federal government, an agency of this state, or an agency of another state is involved.

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

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1 As to the Fourth Cause of Action, under 10177(g) of the Code, in conjunction
2 with Section 2726 of the Regulations.

3 ORDER

4 1. All licenses and licensing rights of Respondent under the Real Estate Law
5 are revoked; provided, however, a restricted real estate broker license shall be issued to
6 Respondent pursuant to Section 10156.5 of the Code if Respondent makes application therefor
7 and pays to the Bureau the appropriate fee for the restricted license within 90 days from the
8 effective date of this Decision and Order. The restricted license issued to Respondent shall be
9 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
10 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

11 a. The restricted license issued to Respondent may be suspended
12 prior to hearing by Order of the Commissioner in the event of Respondent's conviction or plea of
13 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a
14 real estate licensee.

15 b. The restricted license issued to Respondent may be suspended
16 prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
17 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
18 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
19 the restricted license.

20 c. Respondent shall not be eligible to apply for the issuance of an
21 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
22 of a restricted license until three (3) years have elapsed from the effective date of this Decision
23 and Order.

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

3 3. All licenses and licensing rights of Respondent are indefinitely suspended
4 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
5 successfully completed the continuing education course on trust fund accounting and handling
6 specified in Section 10170.5(a)(3) of the Code. Proof of satisfaction of this requirement includes
7 evidence that Respondent has successfully completed the trust fund account and handling
8 continuing education course, no earlier than 120 days prior to the effective date of the Decision
9 and Order in this matter. **Proof of completion of the trust fund accounting and handling**
10 **course must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
11 **Sacramento, CA 95813-7013 or by fax at 916-263-8758, prior to the effective date of this**
12 **Decision and Order.**

13 4. All licenses and licensing rights of Respondent are indefinitely suspended
14 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
15 successfully completed the continuing education course on risk management as specified in
16 Section 10170.5(a)(5) of the Code. Proof of satisfaction of this requirement includes evidence
17 that Respondent has successfully completed the risk management continuing education course,
18 no earlier than 120 days prior to the effective date of the Decision and Order in this matter.
19 **Proof of completion of the risk management course must be delivered to the Bureau of Real**
20 **Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-**
21 **8758, prior to the effective date of this Decision and Order.**

22 5. Respondent shall, within nine (9) months from the effective date of
23 **this Decision and Order**, present evidence satisfactory to the Commissioner that Respondent
24 has, since the most recent issuance of an original or renewal real estate license, taken and
25 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
26 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this


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1 condition, Respondent's real estate license shall automatically be suspended until Respondent
2 presents evidence satisfactory to the Commissioner of having taken and successfully completed
3 the continuing education requirements. **Proof of completion of the continuing education**
4 **courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
5 **Sacramento, CA 95813-7013.**

6 6. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
7 \$4,500.00 for the Commissioner's cost of the audits which led to this disciplinary action.
8 **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from**
9 **the Commissioner.** Payment of audit costs should not be made until Respondent receives the
10 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
11 Respondent's real estate license shall automatically be suspended until payment is made in full,
12 or until a decision providing otherwise is adopted following a hearing held pursuant to this
13 condition.

14 7. All licenses and licensing rights of Respondent are indefinitely suspended
15 unless or until Respondent pays the sum of \$769.85 for the Commissioner's reasonable cost of
16 the enforcement which led to this disciplinary action. Said payment shall be in the form of a
17 cashier's check made payable to the Bureau of Real Estate. **The enforcement costs must be**
18 **delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA**
19 **95813-7013, prior to the effective date of this Decision and Order.**

20 _____
21 6/11/15
22 DATED

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22 Annette E. Ferrante, Counsel
23 Bureau of Real Estate

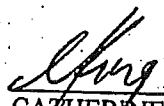
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I have read the Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 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 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. Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of Respondent's actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

6-11-15

DATED

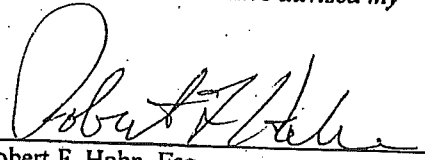


CATHERINE RENE KING,
Respondent

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

6-12-15

DATED



Robert F. Hahn, Esq.,
Attorney for Respondent

