

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670

FILED

MAY - 7 2015

BUREAU OF REAL ESTATE

By B. Contreras

5
6 BEFORE THE
7 BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)

NO. H-6121 SAC

11 BRANDY TOPETE,)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

12)
13 Respondent.)

14
15 It is hereby stipulated by and between Respondent BRANDY TOPETE (herein
16 "Respondent") and the Complainant, acting by and through Mary F. Clarke, Counsel for the
17 Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing
18 of the Accusation filed on April 30, 2014, in this matter (herein "the Accusation"):

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

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

26 3. Respondent requested a hearing on about May 22, 2014. Respondent hereby
27 freely and voluntarily withdraws said request for hearing. Respondent acknowledges that she
understands that by withdrawing said request for hearing, she will thereby waive her right to

1 require the Real Estate Commissioner (herein "the Commissioner") to prove the allegations in
2 the Accusation at a contested hearing held in accordance with the provisions of the APA and that
3 she will waive other rights afforded to her in connection with the hearing such as the right to
4 present evidence in defense of the allegations in the Accusation and the right to cross-examine
5 witnesses.

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

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

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

20 7. Respondent further understands that by agreeing to this Stipulation and
21 Agreement in Settlement and Order, Respondent agrees to pay, pursuant to Section 10106(a) of
22 the Business and Professions Code (herein "the Code"), investigative and enforcement costs
23 which led to this disciplinary action in the amount of \$4,575.65.

24 DETERMINATION OF ISSUES

25 The acts and omissions of Respondent as described in the Accusation are
26 grounds for the suspension or revocation of the license and license rights of Respondent under
27 Sections 10130, 10145(c), 10177(g), and 10177(d) of the Code.

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The restricted license issued to Respondent shall be subject to all of the
provisions of Section 10156.7 of the Code and to the following limitations, conditions, and
restrictions imposed under authority of Section 10156.6 of that Code:

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

4. Respondent shall submit with any application for license under an employing
broker, or any application for transfer to a new employing broker, a statement signed by the
prospective employing real estate broker on a form approved by the Bureau of Real Estate which
shall certify:

BRANDY TOPETE

1 (b) That the employing broker will exercise close supervision over
2 the performance by the restricted licensee relating to activities for
3 which a real estate license is required.

4 5. Respondent shall, within nine (9) months from the effective date of this
5 **Order**, present evidence satisfactory to the Commissioner that Respondent has, since the most
6 recent issuance of an original or renewal real estate license, taken and successfully completed the
7 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
8 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
9 license shall automatically be suspended until Respondent presents evidence satisfactory to the
10 Commissioner of having taken and successfully completed the continuing education
11 requirements. **Proof of completion of the continuing education courses must be delivered to**
12 **the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.**

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

18 7. All licenses and licensing rights of Respondent are indefinitely suspended
19 unless or until Respondent pays the sum of \$4,575.65 for the Commissioner's reasonable cost
20 of the investigation and enforcement which led to this disciplinary action. Said payment shall
21 be in the form of a cashier's check made payable to the Bureau of Real Estate. **The**
22 **investigative and enforcement costs must be delivered to the Bureau of Real Estate, Flag**
23 **Section at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of**
24 **this Order.**

25 4-27-15
26 _____
27 DATED


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26 _____
27 MARY F. CLARKE, Counsel
 Bureau of Real Estate

1 * * *

2 I have read the Stipulation and Agreement in Settlement and Order and have
3 discussed it with my attorney and its terms are understood by me and are agreeable and
4 acceptable to me. I understand that I am waiving rights given to me by the California APA
5 (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government
6 Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of
7 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
8 would have the right to cross-examine witnesses against me and to present evidence in defense
9 and mitigation of the charges.

10
11 3-17-15

12 DATED

13 
14 BRANDY TOPETE
Respondent

15 * * *

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

18 MAY 28 2015

19 IT IS SO ORDERED APRIL 28, 2015.

20 Real Estate Commissioner

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22

23 By: JEFFREY MASON
24 Chief Deputy Commissioner