

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

4 Telephone: (916) 263-8670
5 Fax: (916) 263-3767

FILED

MAR - 5 2015

BUREAU OF REAL ESTATE

By K. Contreras

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

9 * * *

10 In the Matter of the Accusation of)
11) NO. H-6191 SAC
12 STEPHEN SCOTT BLANCHE,) STIPULATION AND AGREEMENT
13) IN SETTLEMENT AND ORDER
14 Respondent.)

15 It is hereby stipulated by and between STEPHEN SCOTT BLANCHE (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 December 3, 2014, in this matter:

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. A Notice of Defense was filed on December 9, 2014, by Respondent pursuant
27 to Section 11505 of the Government Code for the purpose of requesting a hearing on the

1 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
2 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
3 Defense, he will thereby waive his rights to require the Real Estate Commissioner (herein
4 "Commissioner") to prove the allegations in the Accusation at a contested hearing held in
5 accordance with the provisions of the APA and that he will waive other rights afforded to him in
6 connection with the hearing such as the right to present evidence in defense of the allegations in
7 the Accusation and the right to cross-examine witnesses.

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

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

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

22 7. Respondent understands that by agreeing to this Stipulation and Agreement in
23 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the California
24 Business and Professions Code (herein "Code"), the cost of the audit which resulted in the
25 determination that Respondent committed the violations found in the Determination of Issues.
26 The amount of said costs is \$3,481.40.

1 that Respondent has, within one hundred twenty (120) days prior to the effective date of the
2 Order herein completed the continuing education course on trust-fund accounting and handling
3 specified in subdivision (a) of Section 10170.5 of the Code. **Proof of completion of the trust**
4 **fund accounting and handling course must be delivered to the Bureau of Real Estate, Flag**
5 **Section at P.O. Box 137007, Sacramento, CA 95813-7007 or by fax at 916-263-3767, prior to**
6 **the effective date of this Order.**

7 2.~ Thirty (30) days of said sixty (60) day said suspension shall be stayed for two
8 (2) years upon the following terms and conditions:

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

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

19 3. The remaining thirty (30) days of said sixty (60) day suspension shall be
20 stayed upon the condition that Respondent petitions, pursuant to Section 10175.2 of the Code,
21 and pays a monetary penalty, pursuant to Section 10175.2, of the Code at a rate of \$50.00 for
22 each day of said remaining thirty (30) days for a total monetary penalty of \$1,500.00:

23 (a) Said payment shall be in the form of a cashier's check made
24 payable to the Bureau of Real Estate. Said check must be
25 delivered to the Bureau of Real Estate, Flag Section at P.O. Box
26

1 137007, Sacramento, CA 95813-7007, prior to the effective date of
2 this Order.

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

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

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

18
19 4. Respondent understands that by agreeing to this Stipulation and Agreement in
20 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the Code, the cost
21 of the audit which resulted in the determination that Respondent committed the trust fund
22 violations found in the Determination of Issues, above. The amount of said cost is \$3,481.40.
23 **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from**
24 **the Commissioner.** If Respondent fails to pay such cost within the sixty (60) days,
25 Respondent's real estate license shall automatically be suspended until Respondent's payment is
26 made in full. Upon payment in full, the indefinite suspension provided for in this paragraph shall
27 be stayed.

1 5. Respondent shall pay the Commissioner's costs, not to exceed \$3,481.40, of
2 any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
3 corrected the violations described in the Determination of Issues, above. In calculating the
4 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
5 hourly salary for all persons performing audits of real estate brokers, and shall include an
6 allocation for travel time to and from the auditor's place of work. **Respondent shall pay such**
7 **cost within sixty (60) days of receiving an invoice therefore from the Commissioner**
8 detailing the activities performed during the audit and the amount of time spent performing those
9 activities. If Respondent fails to pay such cost within the sixty (60) days, Respondent's real estate
10 license shall automatically be suspended until Respondent's payment is made in full. Upon
11 payment in full, the indefinite suspension provided for in this paragraph shall be stayed.

12 6. Respondent shall pay the sum of \$1,054.65 for the Commissioner's
13 investigative and enforcement costs, pursuant to Section 10106(a) of the Code, for the
14 investigation and enforcement which led to this disciplinary action. Said payment shall be in the
15 form of a cashier's check or certified check made payable to the Real Estate Fund. Said check
16 must be received by the Bureau prior to the effective date of this Order. **The investigative and**
17 **enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
18 **137007, Sacramento, CA 95813-7007, prior to the effective date of this Order. If**
19 Respondent fails to satisfy this condition, Respondent's real estate license shall automatically be
20 suspended until Respondent's payment is made in full. Upon payment in full, the indefinite
21 suspension provided for in this paragraph shall be stayed.

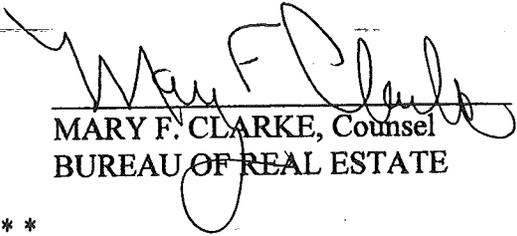
22 7. Respondent shall, within six (6) months from the effective date of this Order,
23 take and pass the Professional Responsibility Examination administered by the Bureau,
24 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
25 condition Respondent's real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

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1 passes the examination.

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2-3-15
DATED


MARY F. CLARKE, Counsel
BUREAU OF REAL ESTATE

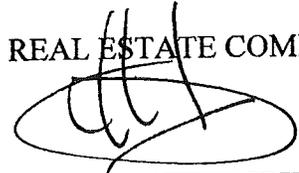
I have read the Stipulation and Agreement in Settlement and Order and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government 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.

1/26/2015
DATED


STEPHEN SCOTT BLANCHE
Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
MAR 25 2015

IT IS SO ORDERED February 27, 2015.

REAL ESTATE COMMISSIONER

By: JEFFREY MASON
Chief Deputy Commissioner