

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

JUN 14 2016

BUREAU OF REAL ESTATE

By B. Nicholas

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
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LESLIE ANN REED,

Respondent.

NO. H-6283 SAC

STIPULATION AND AGREEMENT

It is hereby stipulated by and between Respondent LESLIE ANN REED ("Respondent"), acting by and through Mary E. Work Esq., attorney for Respondent, and the Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on July 16, 2015, in this matter:

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

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

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

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

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

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

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

8 8. Respondent understands that by agreeing to this Stipulation, Respondent
9 agrees to pay, pursuant to Section 10106 of the California Business and Professions Code ("the
10 Code"), the cost of the investigation and enforcement of this case which resulted in the
11 determination that Respondent committed the violation(s) found in the Determination of Issues.
12 The amount of such cost is \$2,000.00.

13 DETERMINATION OF ISSUES

14 By reason of the foregoing stipulations, admissions and waivers and solely for
15 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
16 that the following determination of issues shall be made:

17 The acts and omissions of Respondent as described in the First Cause of Action
18 of the Accusation are grounds for the suspension or revocation of the license and license rights
19 of Respondent under Section 10177(g) (Negligence) of the Code.

20 The acts and omissions of Respondent as described in the Second Cause of
21 Action of the Accusation are grounds for the suspension or revocation of the license and
22 license rights of Respondent under Section 10177(g) (Negligence) of the Code.

23 ORDER

24 I. All licenses and licensing rights of Respondent LESLIE ANN REED
25 under the Real Estate Law are suspended for a period of sixty (60) days from the effective date
26 of this Decision and Order; provided, however, that:

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

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

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

12 c. If Respondent fails to pay the monetary penalty in
13 accordance with the terms and conditions of this Decision and Order, the suspension shall go
14 into effect automatically. Respondent shall not be entitled to any repayment nor credit,
15 prorated or otherwise, for money paid to the Bureau under the terms of this Decision and Order

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

21 2. Thirty (30) days of said suspension shall be stayed for two (2)
22 years upon the following terms and conditions:

23 a. Respondent shall obey all laws, rules and regulations
24 governing the rights, duties and responsibilities of a real estate licensee in the State of
25 California; and,

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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 Decision and 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.

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

III. All licenses and licensing rights of Respondent are indefinitely
suspended unless or until Respondent pays the sum of \$2,000.00 for the Commissioner's
reasonable cost of the investigation and enforcement of this disciplinary action. Said payment
shall be in the form of a cashier's check made payable to the Bureau of Real Estate. **The
investigation 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 Decision and Order.**


5/3/16
DATED


Annette E. Ferrante, Esq., Counsel
Bureau of Real Estate

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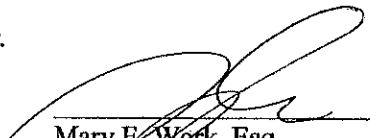
I have read this Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I 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 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 this Stipulation, 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.

5/3/16
DATED


LESLIE ANN REED, Respondent

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

5/11/16
DATED


Mary E. Work, Esq.,
Attorney for Respondent

I have read this 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 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 this Stipulation, 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.

5/3/16

DATED



LESLIE ANN REED, Respondent

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

5/3/16

DATED


Mary E. Work, Esq.,
Attorney for Respondent

The foregoing Stipulation and Agreement and Order is hereby adopted by me as
my Decision in this matter as to Respondent LESLIE ANN REED, and shall become effective
at 12 o'clock noon on JUL 05 2016.

IT IS SO ORDERED

Jun 9, 2016

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner