

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

4 Telephone: (916) 263-8670
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FILED

NOV 21 2016

BUREAU OF REAL ESTATE

By B. Nicholas

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

9 * * *

10 In the Matter of the First Amended Accusation of)
11)
12)
13 STONE CREEK REALTY INC. and)
14 CHRISTOPHER PATRICK JAEGER,)
15 Respondents.)

NO. H-6309 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between Respondents STONE CREEK REALTY
17 INC. (herein "SCR") and CHRISTOPHER PATRICK JAEGER (herein "JAEGER") (herein
18 collectively "Respondents") acting by and through Alexander W. Munn, attorney of record herein
19 for Respondents and the Complainant, acting by and through Mary F. Clarke, Counsel for the
20 Bureau of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing
21 the First Amended Accusation filed on October 22, 2015, in this matter (herein "Accusation"):

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

1 2) Respondents have received, read and understand the Statement to
2 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this
3 proceeding.

4 3) A Notice of Defense was filed on October 7, 2015, by Respondents
5 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
6 the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said
7 Notices of Defense. Respondents acknowledge they understand that by withdrawing said Notices
8 of Defense they will thereby waive their rights to require the Real Estate Commissioner (herein
9 "the Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that they will waive other rights afforded to them
11 in connection with the hearing such as the right to present evidence in defense of the allegations
12 in the Accusation and the right to cross-examine witnesses.

13 4) Respondents, pursuant to the "Determination of Issues" set forth below,
14 hereby admit that the factual allegations in the Accusation filed in this proceeding are true and
15 correct and the Commissioner shall not be required to provide further evidence of such
16 allegations.

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

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

1 7) Respondents understand that by agreeing to this Stipulation, Respondents
2 agree to pay, pursuant to Section 10148 of the California Business and Professions Code (herein
3 “Code”), the cost of the audit which resulted in the determination that Respondents committed
4 the violations found in the “Determination of Issues” below. The amount of said cost is
5 \$6,283.20.

6 8) Respondents understand that by agreeing to this Stipulation, the findings
7 set forth below in the “Determination of Issues” become final, and that the Commissioner may
8 charge Respondents for the cost of any audit conducted pursuant to Section 10148 of the Code to
9 determine if the trust fund violations found in the “Determination of Issues,” below, have been
10 corrected. The maximum cost of said audit shall not exceed \$7,854.00.

11 9) Respondents further understand that by agreeing to this Stipulation,
12 Respondents agree to pay, pursuant to Section 10106(a) of the Code, investigative and
13 enforcement costs of \$2,883.95 which led to this disciplinary action.

14 DETERMINATION OF ISSUES

15 The acts and/or omissions of Respondents as described in the Accusation are
16 grounds for the suspension or revocation of the licenses and license rights of Respondents under
17 the following provisions of the Code and/or Chapter 6, Title 10, of the California Code of
18 Regulations (herein “the Regulations”):

- 19 (a) as to Paragraph 8(a) under Section 2832.1 of the Regulations in conjunction
20 with Section 10177(d) of the Code;
21 (b) as to Paragraph 8(b) under Section 10145 of the Code and Section 2832 of
22 the Regulations in conjunction with Section 10177(d) of the Code; and
23 (c) as to Paragraph 8(c) under Section 2831.2 of the Regulations in conjunction
24 with Section 10177(d) of the Code.

25 ORDER

26 I

27 All licenses and licensing rights of Respondent SCR under the Real Estate Law

1 are suspended for a period of 60 days from the effective date of this Decision; provided,
2 however, that:

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

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

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

13 c) If Respondent fails to pay the monetary penalty in accordance with the
14 terms and conditions of this Decision, the suspension shall go into effect automatically.

15 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money
16 paid to the Bureau under the terms of this Decision

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

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

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

25 b) That no final subsequent determination be made, after hearing or upon
26 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
27 date of this Decision. Should such a determination be made, the Commissioner may, in his

1 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
2 suspension. Should no such determination be made, the stay imposed herein shall become
3 permanent.

4 3) Pursuant to Section 10148 of the Code, Respondent SCR, jointly and
5 severally with Respondent JAEGER, shall pay the sum of \$6,283.20 for the Commissioner's cost
6 of the audit which led to this disciplinary action. **Respondent shall pay such cost within sixty**
7 **(60) days of receiving an invoice therefore from the Commissioner.** Payment of audit costs
8 should not be made until Respondent receives the invoice. If Respondent fails to satisfy this
9 condition in a timely manner as provided for herein, Respondent's real estate license shall
10 automatically be suspended until payment is made in full, or until a decision providing otherwise
11 is adopted following a hearing held pursuant to this condition.

12 4) Pursuant to Section 10148 of the Code, Respondent SCR, jointly and
13 severally with Respondent JAEGER, shall pay the Commissioner's reasonable cost, not to exceed
14 \$7,854.00, for an audit to determine if Respondent has corrected the violations found in the
15 "Determination of Issues." In calculating the amount of the Commissioner's reasonable cost, the
16 Commissioner may use the estimated average hourly salary for all persons performing audits of
17 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
18 of work. **Respondent shall pay such cost within sixty (60) days of receiving an invoice**
19 **therefore from the Commissioner.** Payment of the audit costs should not be made until
20 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
21 as provided for herein, Respondent's real estate license shall automatically be suspended until
22 payment is made in full, or until a decision providing otherwise is adopted following a hearing
23 held pursuant to this condition.

24 5) All licenses and licensing rights of Respondent SCR are indefinitely
25 suspended unless or until Respondent SCR, jointly and severally with Respondent JAEGER,
26 pays the sum of \$2,883.95 for the Commissioner's reasonable cost of the investigation and
27 enforcement which led to this disciplinary action. Said payment shall be in the form of a

1 cashier's check made payable to the Bureau of Real Estate. **The investigative and enforcement**
2 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
3 **Sacramento, CA 95813-7013, prior to the effective date of this Decision.**

4 II

5 All licenses and licensing rights of Respondent JAEGER under the Real Estate
6 Law are suspended for a period of 60 days from the effective date of this Decision; provided,
7 however, that:

8 1) 30 days of said suspension shall be stayed, upon the condition that
9 Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
10 pursuant to Section 10175.2 of the Code at a rate of \$50.00 per day for a total monetary penalty
11 of \$1,500.00.

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

16 b) No further cause for disciplinary action against the Real Estate license of
17 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

18 c) If Respondent fails to pay the monetary penalty in accordance with the
19 terms and conditions of this Decision, the suspension shall go into effect automatically.

20 Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money
21 paid to the Bureau under the terms of this Decision

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

26 2) 30 days of said suspension shall be stayed for two (2) years upon the
27 following terms and conditions:

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

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

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


19 4) Pursuant to Section 10148 of the Code, Respondent JAEGER, jointly and
20 severally with Respondent SCR, shall pay the sum of \$6,283.20 for the Commissioner's cost of
21 the audit which led to this disciplinary action. **Respondent shall pay such cost within sixty**
22 **(60) days of receiving an invoice therefore from the Commissioner.** Payment of audit costs
23 should not be made until Respondent receives the invoice. If Respondent fails to satisfy this
24 condition in a timely manner as provided for herein, Respondent's real estate license shall
25 automatically be suspended until payment is made in full, or until a decision providing otherwise
26 is adopted following a hearing held pursuant to this condition.

1 5) Pursuant to Section 10148 of the Code, Respondent JAEGER, jointly and
2 severally with Respondent SCR, shall pay the Commissioner's reasonable cost, not to exceed
3 \$7,854.00, for an audit to determine if Respondent has corrected the violations found in the
4 "Determination of Issues." In calculating the amount of the Commissioner's reasonable cost, the
5 Commissioner may use the estimated average hourly salary for all persons performing audits of
6 real estate brokers, and shall include an allocation for travel time to and from the auditor's place
7 of work. **Respondent shall pay such cost within sixty (60) days of receiving an invoice**
8 **therefore from the Commissioner.** Payment of the audit costs should not be made until
9 Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely manner
10 as provided for herein, Respondent's real estate license shall automatically be suspended until
11 payment is made in full, or until a decision providing otherwise is adopted following a hearing
12 held pursuant to this condition.

13 6) All licenses and licensing rights of Respondent JAEGER are indefinitely
14 suspended unless or until Respondent JAEGER, jointly and severally with Respondent SCR,
15 pays the sum of \$2,883.95 for the Commissioner's reasonable cost of the investigation and
16 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 investigative and enforcement**
18 **costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,**
19 **Sacramento, CA 95813-7013, prior to the effective date of this Decision.**

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

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26 10-13-16
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 DATED

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

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Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing or electronically e-mailing 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 or other electronic copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed or e-mailed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation.

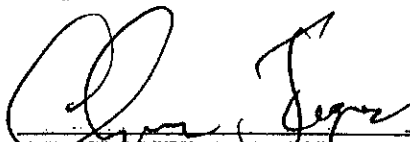
I have read this Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently,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

STONE CREEK REALTY INC.
Respondent

8-8-2014

DATED

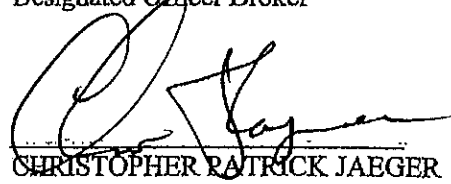
By:



CHRISTOPHER PATRICK JAEGER
Designated Officer Broker

8-8-2014

DATED



CHRISTOPHER PATRICK JAEGER
Respondent

I have reviewed the Stipulation and Agreement in Settlement and Order as to form

1 and content and have advised my client accordingly.

2
3 8/10/16
4 _____
5 DATED

6 _____
7 ALEXANDER W. MUNN
8 Attorney for Respondent

9 ***

10 The foregoing Stipulation and Agreement in Settlement and Order is hereby
11 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on
12 _____, 2016.

13 IT IS SO ORDERED _____, 2016.

14 WAYNE S. BELL
15 REAL ESTATE COMMISSIONER
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and content and have advised my client accordingly.

DATED _____

ALEXANDER W. MUNN
Attorney for 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

DEC 12 2016, 2016.

IT IS SO ORDERED 11/18/, 2016.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

