Department of Real Estate P.O. Box 137007 Sacramento, CA 95815-7007

Telephone: (916) 576-8700

FILED

JUL 18 2019

DEPARTMENT OF REAL ESTATE By B. 11 WOLLS

BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

FRAYBA TIPTON,

Respondent.

No. H-6457 SAC

STIPULATION AND
AGREEMENT TO
SURRENDER

It is hereby stipulated by and between FRAYBA TIPTON (Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing the First Amended Accusation filed on May 14, 2019, 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 to Surrender (Stipulation).
- 2. Respondent has received, read, and understands the Statement to Respondent, and the Discovery Provisions of the APA filed by the Department in this proceeding.

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Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent will thereby waive Respondent's right to require the Real Estate Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of

the allegations in the Accusation and the right to cross-examine witnesses.

- 4. It is understood by the parties that the Commissioner may adopt the Stipulation as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondent as set forth in the below "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.
- 5. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged in Accusation H-6457 SAC.

DECLARATION OF RALPH FRAYBA TIPTON

In lieu of proceeding in this matter in accordance with the provisions of the APA, I, FRAYBA TIPTON, wish to voluntarily surrender my real estate license(s) issued by the Department, pursuant to Business and Professions Code section 10100.2.

I understand that by voluntarily surrendering my license(s), I may be re-licensed as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of the Government Code. I also understand that by voluntarily surrendering my license(s), I agree to the following:

...

 The filing of this Declaration shall be deemed as my petition for voluntary surrender.

- 2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the Accusation filed in this matter at a hearing held in accordance with the provisions of the APA, and that I also waive other rights afforded to me in connection with the hearing such as the right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.
- 3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Department Case No. H-6457 SAC may be considered by the Department to be true and correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to Government Code section 11522.
- 4. I freely and voluntarily surrender all my licenses and license rights under the Real Estate Law.

* * *

<u>ORDER</u>

Respondent's petition for voluntary surrender of his real estate broker license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in Respondent's Declaration incorporated herein as part of this Stipulation. Respondent's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

DEPARTMENT OF REAL ESTATE Attn: Licensing Flag Section P. O. Box 137013 Sacramento, CA 95813-7013

1	25-June -19.
2	DATED TRULY SUGHRUE Counsel for Complainant
3	* * *
4	I have read the Stipulation, and its terms are understood by me and are agreeable
5	and acceptable to me. I understand that I am waiving rights given to me by the California
6	Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights,
7	including the right of requiring the Commissioner to prove the allegations in the Accusations at
8	hearing at which I would have the right to cross-examine witnesses against me and to present
9	evidence in defense and mitigation of the charges.
10	Respondent further agrees to send the original signed Stipulation by mail to the
11	following address no later than one (1) week from the date the Stipulation is signed by
12	Respondent: Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento,
13	California 95813-7007. Respondent understands and agrees that if she fails to return the original
14	signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.
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16	6/25/2019
17	DATED FRAYBA TIPTON Respondent
18 19	***
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21	The foregoing Stipulation and Agreement is hereby adopted as my Decision and AUG 0 8 2019 Order and shall become effective at 12 o'clock noon on
22	Order and shan become effective at 12 o clock floor on
23	IT IS SO ORDERED July 16, 2019
24	
25	DANIEL J. SANDRI ACTING REAL ESTATE COMMISSIONER
26	0-1111.