

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95815-7007
4 Telephone: (916) 263-8672
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FILED

SEP 13 2017

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)

12 BIWOODS REAL ESTATE, and IRENE)
13 GRISELDA WOODS,)

14 Respondents.)

No. H-6464 SAC

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between BIWOODS REAL ESTATE
16 (BIWOODS), and IRENE GRISELDA WOODS (WOODS) (collectively "Respondents"),
17 represented by Shannon B. Jones, and the Complainant, acting by and through Truly Sughrue,
18 Counsel for the Bureau of Real Estate (Bureau), as follows for the purpose of settling and
19 disposing the Accusation filed on November 17, 2016, in this matter:

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

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

4 3. Respondents filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of disputing the allegations in the Accusation and requesting a
6 hearing. Respondents hereby freely and voluntarily withdraw said Notice of Defense.
7 Respondents acknowledge that Respondents understand that by withdrawing said Notice of
8 Defense Respondents will thereby waive Respondents' rights to require the Real Estate
9 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
10 held in accordance with the provisions of the APA, and that Respondents will waive other rights
11 afforded to Respondents 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 expediency and economy, Respondents choose 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
17 forth below. The Commissioner shall not be required to provide further evidence to prove such
18 allegations.

19 5. This Stipulation and Respondents' decision not to contest the Accusation
20 are made for the purpose of reaching an agreed disposition of 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. Respondents understand that by agreeing to this Stipulation and
24 Agreement, Respondents agree to pay, pursuant to Section 10148 of the California Business and
25 Professions Code (Code), the cost of the audit, which resulted in the determination that
26 Respondents committed the violation(s) found in the Determination of Issues. The amount of
27 said costs is \$3,563.96.

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

8 8. The Order or any subsequent Order of the Commissioner made pursuant to
9 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
10 civil proceedings by the Bureau with respect to any matters which were not specifically alleged in
11 Accusation H-6464 SAC.

12 DECLARATION OF BIWOODS REAL ESTATE.

13 In lieu of proceeding in this matter in accordance with the provisions of the APA,
14 BIWOODS wishes to voluntarily surrender its corporate real estate broker license issued by the
15 Bureau, pursuant to Code Section 10100.2. WOODS is the Designated Officer of BIWOODS,
16 and is authorized to sign this declaration on behalf of BIWOODS.

17 WOODS, on behalf of BIWOODS, understands that by voluntarily surrendering
18 BIWOODS license(s), BIWOODS' may be re-licensed as a corporate broker only by petitioning
19 for reinstatement pursuant to section 11522 of the Government Code. WOODS, on behalf of
20 BIWOODS, also understands that by voluntarily surrendering BIWOODS' license(s), WOODS
21 agrees to the following:

22 1. The filing of this Declaration shall be deemed as BIWOODS' petition
23 for voluntary surrender.

24 2. It shall also be deemed to be an understanding and agreement by WOODS
25 that BIWOODS' waives all rights BIWOODS' has to require the Commissioner to prove the
26 allegations contained in the Accusation filed in this matter at a hearing held in accordance with
27 the provisions of the APA, and that BIWOODS also waives other rights afforded to BIWOODS

1 in connection with the hearing such as the right to discovery, the right to present evidence in
2 defense of the allegations in the Accusation and the right to cross-examine witnesses.

3 3. WOODS, on behalf of BIWOODS, further agrees that upon acceptance by
4 the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
5 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations
6 contained in the Accusation filed in the Bureau Case No. H-6464 SAC may be considered by the
7 Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or
8 reinstatement pursuant to Government Code section 11522.

9 4. WOODS, on behalf of BIWOODS, freely and voluntarily surrenders all of
10 BIWOODS' licenses and license rights under the Real Estate Law.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing stipulations and waivers and solely for the purpose of
13 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the acts
14 and omissions of WOODS as described in the Accusation are grounds for the suspension or
15 revocation of WOODS' licenses and license rights under Sections 10177(d), 10176(i), and
16 10177(h) of the Code.

17 * * *

18 ORDER

19 I

20 All licenses and licensing rights of WOODS under the Real Estate Law are
21 revoked; provided, however, a restricted real estate salesperson license shall be issued to
22 WOODS pursuant to Section 10156.5 of the Code if WOODS makes application therefor and
23 pays to the Bureau the appropriate fee for the restricted license within 90 days from the effective
24 date of this Decision and Order. The restricted license issued to WOODS shall be subject to all
25 of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
26 restrictions imposed under authority of Section 10156.6 of that Code:
27

1 1. The restricted license issued to WOODS may be suspended prior to
2 hearing by Order of the Commissioner in the event of WOODS' conviction or plea of nolo
3 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
4 estate licensee.

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

10 3. WOODS shall not be eligible to petition for the issuance of any
11 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
12 of a restricted license until four (4) years have elapsed from the effective date of this Decision
13 and Order. WOODS shall not be eligible to apply for any unrestricted licenses until all
14 restrictions attaching to the license have been removed.

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

18 (a) That the employing broker has read the Decision and Order of the
19 Commissioner which granted the right to a restricted license; and

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

23 5. WOODS shall, within nine (9) months from the effective date of this
24 Decision and Order, present evidence satisfactory to the Commissioner that WOODS has, since
25 the most recent issuance of an original or renewal real estate license, taken and successfully
26 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
27 Law for renewal of a real estate license. If WOODS fails to satisfy this condition, Respondent's

1 real estate license shall automatically be suspended until WOODS presents evidence satisfactory
2 to the Commissioner of having taken and successfully completed the continuing education
3 requirements. Proof of completion of the continuing education courses must be delivered to the
4 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

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

10 7. All licenses and licensing rights of WOODS are indefinitely suspended
11 unless or until WOODS provides proof satisfactory to the Commissioner, of having taken and
12 successfully completed the continuing education course on trust fund accounting and handling
13 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
14 Code. Proof of satisfaction of these requirements includes evidence that WOODS has
15 successfully completed the trust fund account and handling continuing education courses, no
16 earlier than 120 days prior to the effective date of the Decision and Order in this matter. Proof of
17 completion of the trust fund accounting and handling course must be delivered to the Bureau of
18 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-
19 263-8758, prior to the effective date of this Decision and Order.

20 II

21 Respondents shall, jointly and severally, pay the sum of \$3,563.96 for the
22 Commissioner's cost of the audit which led to this disciplinary action. Respondents shall pay
23 such cost within sixty (60) days of receiving an invoice therefore from the Commissioner.
24 Payment of audit costs should not be made until Respondents receives the invoice. If WOODS
25 fails to satisfy this condition in a timely manner as provided for herein, WOODS' real estate
26 licenses shall automatically be suspended until payment is made in full, or until a decision
27 providing otherwise is adopted following a hearing held pursuant to this condition. Any petition

1 for reinstatement made pursuant to Government Code Section 11522 shall be denied if
2 BIWOODS fail to satisfy this condition.

3 III

4 BIWOODS' petition for voluntary surrender of its corporate real estate broker
5 license is accepted as of the effective date of this Order as set forth below, based upon the
6 understanding and agreement expressed in BIWOODS Declaration incorporated herein as part of
7 this Stipulation. BIWOODS' license certificates, pocket cards and any branch office license
8 certificates shall be sent to the below listed address so that they reach the Bureau on or before the
9 effective date of this Order:

10
11 BUREAU OF REAL ESTATE
12 Attn: Licensing Flag Section
13 P. O. Box 137013
14 Sacramento, CA 95815-7013

15 17-Aug-17
16 DATED

17 
18 TRULY SUGHRUE
19 Counsel for Complainant

20 * * *

21 I have read the Stipulation and Agreement, discussed it with my counsel, and its
22 terms are understood by me and are agreeable and acceptable to me. I understand that I am
23 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
24 intelligently and voluntarily waive those rights, including the right of requiring the
25 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
26 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
27 the charges.

Respondents and Respondents' attorney further agree to send the original signed
Stipulation by mail to the following address no later than one (1) week from the date the

1 Stipulation is signed by Respondents and Respondents' attorney: *Bureau of Real Estate, Legal*
2 *Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondents and Respondents'
3 attorney understand and agree that if they fail to return the original signed Stipulation by the due
4 date, Complainant retains the right to set this matter for hearing.

5 BIWOODS REAL ESTATE
6 Respondent

7
8 8/11/17
9 DATED

By. Irene Griselda Woods
Irene Griselda Woods

10
11 8/11/17
12 DATED

Irene Griselda Woods
IRENE GRISELDA WOODS
Respondent

13 ***

14 *I have reviewed the Stipulation and Agreement as to form and content and have*
15 *advised my client accordingly.*

16
17 8/14/17
18 DATED

Shannon B. Jones
SHANNON B. JONES
Attorney for Respondents

19 ***

20
21 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
22 Order and shall become effective at 12 o'clock noon on **OCT 04 2017**

23 IT IS SO ORDERED 9/11/17

24
25 WAYNE S. BELL
26 Real Estate Commissioner

27 Wayne S. Bell