

1 Bureau of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8672

FILED

APR 26 2018
BUREAU OF REAL ESTATE
By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of

12 F & E MANAGEMENT SERVICES, INC.,
13 and PEARL ELAINE BECKNELL,

14 Respondents.

No. H-6510 SAC

STIPULATION AND AGREEMENT
TO SURRENDER AFTER
REJECTION

15 It is hereby stipulated by and between F & E MANAGEMENT SERVICES, INC.,
16 and PEARL ELAINE BECKNELL (collectively "Respondents"), represented by Michelle
17 Giguiere, and the Complainant, acting by and through Truly Sughrue, Counsel for the Bureau of
18 Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation
19 filed on March 8, 2017, in this matter:

20 1. On January 31, 2018, a formal hearing was held on the Accusation in
21 accordance with the provisions of the Administrative Procedure Act ("APA") before
22 Administrative Law Judge ("ALJ") Karl S. Engeman where, after evidence and testimony
23 were received, the record was closed and the matter was submitted for decision.

24 2. On March 2, 2018, the ALJ issued a Proposed Decision.

25 3. On March 21, 2018, the Commissioner rejected the Proposed
26 Decision. The parties wish to settle this matter without further proceedings.
27

1 4. It is understood by the parties that the Commissioner may adopt the
2 Stipulation and Agreement to Surrender After Rejection (Stipulation and Agreement) at his
3 decision in this matter thereby imposing the penalty and sanctions on Respondents' real estate
4 licenses and license rights as set forth in the below Order. In the event the Commissioner, in
5 his discretion, does not adopt the Stipulation and Agreement, the Stipulation and
6 Agreement shall be void and of no effect. If that occurs, the Commissioner will proceed
7 pursuant to California Government Code section 11517(c)(2)(e).

8 5. The Order or any subsequent Order of the Commissioner made pursuant to
9 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
10 administrative or civil proceedings by the Bureau with respect to any matters which were not
11 specifically alleged to be causes for accusation in Accusation H-6510 SAC.

12 6. Respondents are aware that if they petition for reinstatement pursuant to
13 Government Code Section 11522 in the future, payment of the Bureau's audit, investigation, and
14 enforcement costs, which total \$9,792.53, will be a condition of reinstatement.

15 DECLARATION OF F & E MANAGEMENT SERVICES, INC.

16 In lieu of proceeding in this matter in accordance with the provisions of the APA,
17 F & E MANAGEMENT SERVICES, INC. (F&E) wishes to voluntarily surrender its corporate
18 real estate broker license issued by the Bureau, pursuant to Code Section 10100.2. PEARL
19 ELAINE BECKNELL (BECKNELL) is the Designated Officer of F&E, and is authorized to sign
20 this declaration on behalf of F&E.

21 BECKNELL, on behalf of F&E, understands that by voluntarily surrendering F&E
22 license(s), F&E may be re-licensed as a corporate broker only by petitioning for reinstatement
23 pursuant to section 11522 of the Government Code. BECKNELL, on behalf of F&E, also
24 understands that by voluntarily surrendering F&E license(s), BECKNELL agrees to the
25 following:

26 1. The filing of this Declaration shall be deemed as F&E petition for
27 voluntary surrender.

1 2. It shall also be deemed to be an understanding and agreement by
2 BECKNELL that F&E waives all rights F&E has to require the Commissioner to prove the
3 allegations contained in the Accusation filed in this matter at a hearing held in accordance with
4 the provisions of the APA, and that F&E also waives other rights afforded to F&E in connection
5 with the hearing such as the right to discovery, the right to present evidence in defense of the
6 allegations in the Accusation and the right to cross-examine witnesses.

7 3. BECKNELL, on behalf of F&E, further agrees that upon acceptance by the
8 Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence
9 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations
10 contained in the Accusation filed in the Bureau Case No. H-6510 SAC may be considered by the
11 Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or
12 reinstatement pursuant to Government Code section 11522.

13 4. BECKNELL freely and voluntarily surrenders all of F&E's licenses and
14 license rights under the Real Estate Law.

15 DECLARATION OF PEARL ELAINE BECKNELL

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

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

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

25 ///

26 ///

27 ///

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 Bureau in this matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation filed in the Bureau Case No. H-6510 SAC may be considered by the Bureau 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.

ORDER

I

With any petition for reinstatement made in the future, Respondents shall, jointly and severally, pay the total sum of \$9,792.53 for the Commissioner's cost of the audit, investigation and enforcement related to this matter. Any petition for reinstatement made pursuant to Government Code Section 11522 shall be denied if Respondents fail to satisfy this condition.

II

F&E's petition for voluntary surrender of its corporate 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 F&E's Declaration incorporated herein as part of this Stipulation and Agreement. F&E's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Bureau on or before the effective

1 date of this Order:

2 BUREAU OF REAL ESTATE
3 Attn: Licensing Flag Section
4 P. O. Box 137013
5 Sacramento, CA 95815-7013

6 III

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

13 BUREAU OF REAL ESTATE
14 Attn: Licensing Flag Section
15 P. O. Box 137013
16 Sacramento, CA 95813-7013

17 5-April-18
18 DATED

19 
20 TRULY SUGHRUE
21 Counsel for Complainant

22 * * *

23 I have read the Stipulation and Agreement, have discussed it with my counsel, and
24 its terms are understood by me and are agreeable and acceptable to me. I understand that I am
25 waiving rights given to me by the APA, and I willingly, intelligently and voluntarily waive those
26 rights, including the right of requiring the Commissioner to prove the allegations in the
27 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.

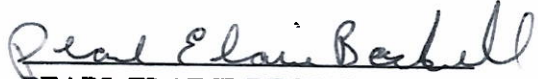
Respondents and Respondents' attorney further agree to send the original signed
Stipulation and Agreement by mail to the following address no later than one (1) week from the
date the Stipulation and Agreement is signed by Respondents and Respondents' attorney:

1 Bureau of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.

2 Respondents and Respondents' attorney understand and agree that if they fail to return the
3 original signed Stipulation and Agreement by the due date, Complainant retains the right to set
4 this matter for hearing.

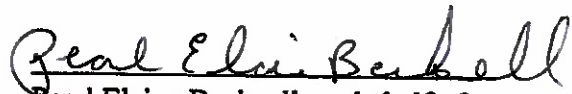
5
6 3-23-18

7 DATED

8
9 
PEARL ELAINE BECKNELL
Respondent

10 3-23-18

11 DATED

12 
Pearl Elaine Becknell, on behalf of
F & E MANAGEMENT SERVICES, INC

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

15 3-24-18

16 DATED

17 
MICHELLE GIGUIERE
Attorney for Respondents

18 * * *

19 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
20 Order and shall become effective at 12 o'clock noon on MAY 17 2018.

21 IT IS SO ORDERED April 18, 2018.

22 WAYNE S. BELL
23 REAL ESTATE COMMISSIONER

24 

25 By: DANIEL J. SANDRI
26 Chief Deputy Commissioner
27