

FILED

MAR 04 2020

DEPARTMENT OF REAL ESTATE

By R den

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95818-7007
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5 Telephone: (916) 576-8700
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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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| 11 In the Matter of the Accusation of) 12 DARRELL CHRISTIAN GRYTNESS,) 13 Respondent.) |))))) | No. H-6840 SAC <u>STIPULATION AND AGREEMENT</u> <u>IN SETTLEMENT AND ORDER</u> |
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14 It is hereby stipulated by and between DARRELL CHRISTIAN GRYTNESS
15 (Respondent), and the Complainant, acting by and through Megan Lee Olsen, Counsel for the
16 Department of Real Estate (Department), as follows for the purpose of settling and disposing of
17 the Accusation filed on July 30, 2019, in this matter:

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

23 2. Respondent has received, read, and understands the Statement to
24 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in
25 this proceeding.

26 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
27 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.

1 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
2 acknowledges that Respondent will thereby waive Respondent's right to require the Real Estate
3 Commissioner (Commissioner) to prove the allegations in the Accusation at a contested hearing
4 held in accordance with the provisions of the APA and that Respondent will waive other rights
5 afforded to Respondent in connection with the hearing such as the right to present evidence in
6 defense of the allegations in the Accusation and the right to cross-examine witnesses.

7 4. This Stipulation is based on the factual allegations contained in the
8 Accusation. In the interest of expediency and economy, Respondent chose not to contest these
9 factual allegations, but to remain silent and understands that, as a result thereof, these factual
10 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
11 forth below. The Commissioner shall not be required to provide further evidence to prove such
12 allegations.

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

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

24 7. Respondent understands that by agreeing to this Stipulation, Respondent
25 agrees to pay, pursuant to Section 10148 of the Business and Professions Code (Code), the cost
26 of the audit which resulted in the violations found in the Determination of Issues. The amount of
27 such costs is \$5,962.68.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers and solely for
3 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
4 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds
5 for the suspension or revocation of the license and license rights of Respondent under the
6 provisions of Sections 10177 (d), 10177 (g), and 10177 (h) of the Code, in conjunction with
7 Section 10145 of the Code, and Sections 2725, 2726, 2731, 2831.1, 2832 and 2834 of Title 10 of
8 the California Code of Regulations.

9 ORDER

10 All licenses and licensing rights of DARRELL CHRISTIAN GRYTNESS under
11 the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall
12 be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes
13 application therefor and pays to the Department the appropriate fee for the restricted license
14 within 90 days from the effective date of this Decision and Order. The restricted license issued
15 to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
16 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
17 that Code:

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

22 2. The restricted broker license issued to Respondent may be suspended prior
23 to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
25 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
26 license.

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1 3. Respondent shall not be eligible to apply for the issuance of an
2 unrestricted real estate broker license nor for removal of any of the conditions, limitations or
3 restrictions of a restricted license broker license until two (2) years have elapsed from the
4 effective date of this Decision and Order. Respondent shall not be eligible to apply for any
5 unrestricted licenses until all restrictions attaching to the license have been removed.

6 4. Respondent shall, within nine (9) months from the effective date of this
7 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
8 since the most recent issuance of an original or renewal real estate license, taken and successfully
9 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
10 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
11 Respondent's real estate license shall automatically be suspended until Respondent presents
12 evidence satisfactory to the Commissioner of having taken and successfully completed the
13 continuing education requirement.

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

24 6. Pursuant to Section 10148 of the Code, Respondent pay the sum of
25 \$5,962.68. for the Commissioner's cost of the audit which led to this disciplinary action.
26 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the
27 Commissioner. Payment of audit costs should not be made until Respondent receives the

1 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
2 Respondent's real estate license shall automatically be suspended until payment is made in full,
3 or until a decision providing otherwise is adopted following a hearing held pursuant to this
4 condition.

5 7. All licenses and licensing rights of Respondent are indefinitely
6 suspended unless or until Respondent pays the sum of \$1,654.80 for the Commissioner's
7 reasonable cost of the investigation which led to this disciplinary action. Said payment shall be
8 in the form of a cashier's check made payable to the Department of Real Estate. The
9 investigative costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box
10 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

11 2/4/20

12 DATED



MEGAN LEE OLSEN, Counsel
DEPARTMENT OF REAL ESTATE

14 * * *

15 I have read the Stipulation and Agreement In Settlement and Order and its terms
16 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
17 rights given to me by the APA (including but not limited to Sections 11506, 11508, 11509, and
18 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
19 rights, including the right of requiring the Commissioner to prove the allegations in the
20 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
21 and to present evidence in defense and mitigation of the charges. I further agree to mail the
22 original Stipulation no later than five days after signing it to: Department of Real Estate, Legal
23 Section, P.O. Box 137007, Sacramento, California 95813-7007. I understand that failure to
24 mail the original back may result in this matter going to hearing.

25 1-31-20

26 DATED



DARRELL CHRISTIAN GRYTNESS
Respondent

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The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on

MAR 25 2020

IT IS SO ORDERED

2/26/20

SANDRA KNAU
Acting Real Estate Commissioner

