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1 Department of Real Estate
185 Berry Street, Room 3400
2 San Francisco, CA 94107-1770
3 Telephone: (415) 904-5917
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FILED
APR 04 1994

DEPARTMENT OF REAL ESTATE

By *Lynda Montiel*
Lynda Montiel

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-6954 SF
12 ROBERT LYNN STANTON,)
13 Respondent.) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between ROBERT LYNN
16 STANTON (Respondent) only, represented by his attorney Frances
17 Grunder, Law Offices of James Jay Seltzer, and the Complainant,
18 acting by and through Deidre L. Johnson, Counsel for the
19 Department of Real Estate, as follows for the purpose of
20 settling and disposing the Accusation filed on August 19, 1993
21 in this matter:

22 1. All issues which were to be contested and all
23 evidence which was to be presented by Complainant and Respondent
24 at a formal hearing on the Accusation, which hearing was to be
25 held in accordance with the provisions of the Administrative
26 Procedures Act (APA), shall instead and in place thereof be

27 ///

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement in Settlement.

3 2. Respondent has received, read and understands the
4 Statement to Respondent, and the Discovery Provisions of the APA
5 filed by the Department of Real Estate in this proceeding.

6 3. On August 31, 1993, Respondent filed his Notice of
7 Defense pursuant to Section 11505 of the Government Code for the
8 purpose of requesting a hearing on the allegations in the Amended
9 Accusation. Respondent hereby freely and voluntarily withdraws
10 said Notice of Defense. Respondent acknowledges that he
11 understands that by withdrawing said Notice of Defense he will
12 thereby waive his right to require the Commissioner to prove the
13 allegations in the Accusation at a contested hearing held in
14 accordance with the provisions of the APA, and that he will waive
15 other rights afforded to him in connection with the hearing such
16 as the right to present evidence in defense of the allegations in
17 the Accusation and the right to cross-examine witnesses.

18 4. Respondent has read the Discovery Provisions of the
19 APA and is aware of his right to conduct discovery in the
20 proceeding, and by entering into this stipulation, freely and
21 voluntarily waives his right to conduct further discovery.

22 5. Respondent, pursuant to the limitations set forth
23 below, hereby admits that the factual allegations set forth in the
24 Accusation are true and correct and the Real Estate Commissioner
25 shall not be required to provide further evidence of such
26 allegations. A true copy of the Accusation is attached hereto as
27 Annex A and incorporated herein by reference.

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

11 7. The Order or any subsequent Order of the Real Estate
12 Commissioner made pursuant to this Stipulation and Agreement in
13 Settlement shall not constitute an estoppel, merger or bar to any
14 further administrative or civil proceedings by the Department of
15 Real Estate with respect to any matters which were not
16 specifically alleged to be causes for accusation in this
17 proceeding.

18 DETERMINATION OF ISSUES

19 By reason of the foregoing stipulations, admissions and
20 waivers and for the purpose of settlement of the pending
21 Accusation as to Respondent without a hearing, it is stipulated
22 and agreed that the following determination of issues shall be
23 made:

24 I

25 The acts and/or omissions of Respondent as set forth in
26 the Accusation are grounds for the suspension or revocation of the
27 real estate license and license rights of Respondent under the

1 provisions of Sections 490 and 10177(b) of the California Business
2 and Professions Code.

3 ORDER

4 A. All real estate licenses and license rights of
5 Respondent ROBERT LYNN STANTON are revoked.

6 B. A restricted real estate broker license shall be
7 issued to Respondent pursuant to Section 10156.6 of the Code if he
8 makes application therefor and pays to the Department the
9 appropriate fee for said license within ninety (90) days of the
10 effective date of the decision.

11 C. The restricted license issued to Respondent shall be
12 subject to all of the provisions of Section 10156.7 of the
13 Business and Professions Code and to the following limitations
14 imposed under authority of Section 10156.6 of said Code:

- 15 1) The restricted license may be suspended prior to
16 hearing by order of the Real Estate Commissioner
17 in the event of Respondent's conviction or plea of
18 nolo contendere to a crime which bears a
19 substantial relationship to Respondent's fitness
20 or capacity as a real estate licensee.
- 21 2) The restricted license may be suspended prior to
22 hearing by Order of the Real estate Commissioner
23 on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the
25 California Real Estate Law, the Subdivided Lands
26 Law, Regulations of the Real Estate Commissioner
27 or conditions attaching to the restricted license.
- 28 3) Respondent shall not be eligible to apply for the
29 issuance of an unrestricted real estate license,
30 nor the removal of any of the conditions of the
31 restricted license, until two years has elapsed
32 from the date of issuance of the restricted
33 license.
- 34 4) Respondent shall, within nine (9) months from the
35 effective date of this decision, present evidence
36 satisfactory to the Real Estate Commissioner that

1 he has, since the most recent issuance of an
2 original or renewal real estate license, taken and
3 successfully completed the continuing education
4 requirements of Article 2.5 of Chapter 3 of the
5 Real Estate Law for renewal of a real estate
6 license. If Respondent fails to satisfy this
7 condition, the Commissioner may order the
8 suspension of the restricted license until the
9 Respondent presents such evidence. The
10 Commissioner shall afford Respondent the
11 opportunity for hearing pursuant to the
12 Administrative Procedure Act to present such
13 evidence.

9 DATED:

March 9, 1994

Deidre L. Johnson
DEIDRE L. JOHNSON

Counsel for the Complainant

11 * * *

12 I have read the Stipulation in Settlement and Agreement,
13 have discussed it with my counsel, and its terms are understood by
14 me and are agreeable and acceptable to me. I understand that I am
15 waiving rights given to me by the California Administrative
16 Procedure Act, and I willingly, intelligently and voluntarily
17 waive those rights, including the right of requiring the
18 Commissioner to prove the allegations in the Amended Accusation at
19 a hearing at which I would have the right to cross-examine
20 witnesses against me and to present evidence in defense and
21 mitigation of the charges.

22 DATED:

3-2-94

Robert Lynn Stanton
ROBERT LYNN STANTON

Respondent

24 APPROVED AS TO FORM:

25 DATED:

3-4-94

J. T. Grunder
FRANCES GRUNDER

Counsel for Respondent

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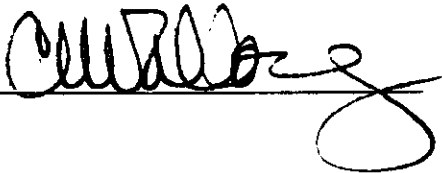
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DECISION AND ORDER

The foregoing Stipulation and Agreement in Settlement is
hereby adopted as my Decision and Order and shall become effective
at 12 o'clock noon on April 11th, 1994.

IT IS SO ORDERED 3/28, 1994.

CLARK WALLACE
Real Estate Commissioner



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FILED
NOV 10 1993

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

ROBERT LYNN STANTON,

Respondent

By Lynnda Montiel
Lynnda Montiel

Case No. H-6954 SF

OAH No. N 9310026

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at

OFFICE OF ADMINISTRATIVE HEARINGS, STATE BUILDING,

455 Golden Gate Avenue, Room 2248, San Francisco, CA 94102

on Thursday, February 17, 1994 (2 hrs.) at the hour of 1:30 pm,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: Nov. 10, 1993

By

Deidre L. Johnson
DEIDRE L. JOHNSON, Counsel

FILED
AUG 19 1993

By Lynda Montiel
Lynda Montiel

Telephone: (415) 904-5917

* * *

ACCUSATION

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III

On or about September 4, 1992, in the Municipal Court of California, County of Santa Cruz, Respondent was convicted of violation of Section 647.6 of the California Penal Code (ANNOY OR MOLEST CHILD), a crime involving moral turpitude and which is substantially related under Section 2910, Title 10, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other provisions of law.

Edward V. Chiole

EDWARD V. CHIOLO
Deputy Real Estate Commissioner

Dated at San Francisco, California
this 8th day of July, 1993.