

1 DEPARTMENT OF REAL ESTATE  
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**FILED**  
**OCT 12 2022**  
DEPARTMENT OF REAL ESTATE  
By J. Taggart

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) DRE No. H-7093 SAC  
12 )  
13 BREANNA MARIE AKERS, )  
14 Respondent. ) STIPULATION AND AGREEMENT  
15 ) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between BREANA MARIE AYERS (Respondent),  
17 her Counsel, Edward O. Lear, and the Complainant, acting by and through Richard K. Uno,  
18 Counsel for the Department of Real Estate; as follows for the purpose of settling and disposing  
19 of the Accusation filed on December 29, 2021, in this matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondent 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 In, Settlement and Order (Order).

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

1                   3.       Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that he understands that by withdrawing said Notice of Defense he will thereby  
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations  
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and  
7 that he will waive other rights afforded to him in connection with the hearing such as the right to  
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine  
9 witnesses.

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

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

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

25                   7.       Respondent understands that by agreeing to this Order, Respondent agrees  
26 to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the  
27

1 investigation and enforcement which resulted in the determination that Respondent committed  
2 the violations found in the Determination of Issues. The amount of said costs is \$1,927.50.

3  
4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and waivers, and solely for  
6 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed  
7 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds  
8 for the suspension or revocation of the licenses and license rights of Respondent under the  
9 provisions of Section 10177(g) of the Code.

10 ORDER

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

18 1. The restricted license issued to Respondent may be suspended prior to  
19 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 license issued to Respondent may be suspended prior to  
23 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.

27 3. Respondent shall not be eligible to apply for the issuance of any

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

5           4. Respondent shall submit with any application for license under an  
6 employing broker, or any application for transfer to a new employing broker, a statement signed  
7 by the prospective employing real estate broker on a form approved by the Department which  
8 shall certify:

9                   (1) That the employing broker has read the Decision which is the basis  
10 for the issuance of a restricted license; and

11                   (2) That the employing broker will carefully review all transaction  
12 documents prepared by the restricted licensee and otherwise exercise close supervision over the  
13 licensee's performance of acts for which a license is required.

14           5. Respondent shall, within nine (9) months from the effective date of this  
15 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most  
16 recent issuance of an original or renewal real estate license, taken and successfully completed the  
17 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
18 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate  
19 license shall automatically be suspended until Respondent presents evidence satisfactory to the  
20 Commissioner of having taken and successfully completed the continuing education  
21 requirements. Proof of completion of the continuing education courses must be delivered to the  
22 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.

23           6. All licenses and licensing rights of Respondent are indefinitely suspended  
24 unless or until Respondent pays the sum of \$1,927.50 for the Commissioner's reasonable cost of  
25 the investigation and enforcement which led to this disciplinary action. Said payment shall be in  
26 the form of a cashier's check made payable to the Department of Real Estate. The investigative  
27 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.

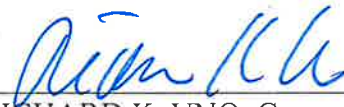
Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

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

8. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be ground for the suspension or revocation of that license.

9/13/22

DATED



RICHARD K. UNO, Counsel III  
DEPARTMENT OF REAL ESTATE

\* \* \*

I have read the Stipulation and Agreement in Settlement and Order and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the 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

1 of the charges.

2  
3 9/13/2022

4 DATED



BREANNA MARIE AKERS

5 \*\*\*

6 *I have reviewed this Stipulation and Agreement as to form and content and have*  
7 *advised my client accordingly.*

8  
9 9/13/2022

10 DATED



EDWARD O. LEAR

Attorney for Respondent

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12 \* \* \*

13  
14  
15 The foregoing Stipulation and Agreement In Settlement and Order is hereby  
16 adopted by the Real Estate Commissioner as his Decision and Order and shall become  
17 effective at 12 o'clock noon on NOV 01 2022

18 IT IS SO ORDERED 10.4.22

19 DOUGLAS R. McCAULEY  
20 REAL ESTATE COMMISSIONER

