

FILED

FEB 29 2024

DEPARTMENT OF REAL ESTATE
By B. Michelle

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

ROBIN MICHELLE SHORT,

Respondent.

No. H-7234 SAC

STIPULATION AND
AGREEMENT

It is hereby stipulated by and between ROBIN MICHELLE SHORT (Respondent), represented by Benjamin Graves, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing of the Accusation filed on June 20, 2023, in this matter:

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

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

3. Respondent filed a Notice of Defense pursuant to Section 11505 of the 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. Respondent, pursuant to the limitations set forth below, hereby admits that
8 the factual allegations in the Accusation filed in this proceeding are true and correct and the
9 Commissioner shall not be required to provide further evidence to prove such allegations.

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

17 6. This Decision and Order or any subsequent Order of the Commissioner
18 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
19 to any further administrative or civil proceedings by the Department with respect to any matters
20 which were not specifically alleged in Accusation H-7234 SAC.

21 DETERMINATION OF ISSUES

22 By reason of the foregoing stipulations, admissions, and waivers and solely for
23 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
24 that the following Determination of Issues shall be made:

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1 The acts and/or omissions of Respondent as described in the Accusation violate
2 Sections 490 and 10177(b) of the Business and Professions Code (Code).

3 ORDER

4 All licenses and licensing rights of Respondent ROBIN MICHELLE SHORT
5 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
6 license shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent
7 makes application therefor and pays to the Department the appropriate fee for the restricted
8 license within 90 days from the effective date of this Decision and Order. The restricted license
9 issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and
10 to the following limitations, conditions and restrictions imposed under authority of Section
11 10156.6 of that Code:

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

16 2. The restricted license issued to Respondent may be suspended prior to
17 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
18 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
19 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
20 license.

21 3. Respondent shall not be eligible to apply for the issuance of an
22 unrestricted real estate license nor for removal of any of the conditions, limitations or restrictions
23 of a restricted license until three (3) years have elapsed from the effective date of this Decision
24 and Order. Respondent shall not be eligible to apply for any unrestricted licenses until all
25 restrictions attaching to the license have been removed.

26 4. Respondent shall submit with any application for license under an
27 employing broker, or any application for transfer to a new employing broker, a statement signed

1 by the prospective employing real estate broker on a form approved by the Department which
2 shall certify:

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

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

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

16 6. Respondent shall notify the Commissioner in writing within 72 hours of
17 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
18 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
19 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
20 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
21 constitute an independent violation of the terms of the restricted license and shall be grounds for
22 the suspension or revocation of that license.

23 7. All licenses and licensing rights of Respondent are indefinitely suspended
24 unless or until Respondent pays the sum of \$875 for the Commissioner's reasonable cost of the
25 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.

16 January 2024

DATED



TRULY SUGHRUE, Counsel
DEPARTMENT OF REAL ESTATE

I have read the Stipulation and Agreement, discussed it with my counsel, 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, 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 of the charges.

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

1/12/2024



DATED

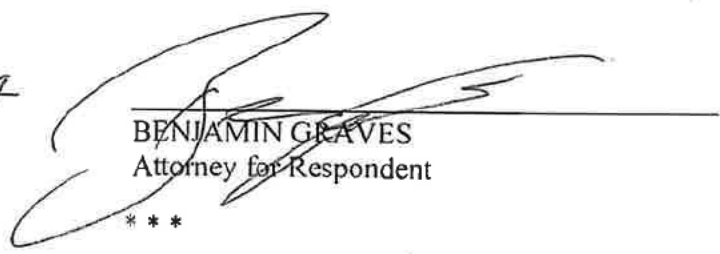


ROBIN MICHELLE SHORT
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

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16 January 2024
DATED


BENJAMIN GRAVES
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by the Real Estate
Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on
MAR 21 2024

IT IS SO ORDERED 2/26/24

CHIKA SUNQUIST
Real Estate Commissioner

