

FILED

MAR 27 2025

DEPARTMENT OF REAL ESTATE
By J. Taggart

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2 Department of Real Estate
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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 TROY ANDREW ATTWELL,)

13 Respondent.)

No. H-7385 SAC

STIPULATION AND
AGREEMENT

14
15 It is hereby stipulated by and between TROY ANDREW ATTWELL
16 ("Respondent"), represented by attorney Adam P. Smith of Buchalter APC, and the
17 Complainant, acting by and through Taylor Herrlinger, Counsel for the Department of Real
18 Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation
19 filed on September 16, 2024, 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 said
22 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
23 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
24 this Stipulation and Agreement.

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 in
27 this proceeding.

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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 Respondent will waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to Respondent in connection with the hearing such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

21 6. This Decision and Order or any subsequent Order of the Commissioner
22 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
23 to any further administrative or civil proceedings by the Department with respect to any matters
24 which were not specifically alleged in Accusation H-7385 SAC.

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
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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 \$750.00.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions, and waivers and solely for
5 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed
6 that the acts and/or omissions of Respondent as described in the Accusation violate Sections 490,
7 and 10177 (b) of the Code.

8 ORDER

9 Respondent's real estate salesperson license is revoked; provided, however, a
10 restricted real estate salesperson license shall be issued to Respondent pursuant to Section
11 10156.5 of the Code if Respondent makes application therefor for the restricted license within 90
12 days from the effective date of this Decision and Order. The restricted license issued to
13 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
14 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
15 that Code:

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

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

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

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

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

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

12 5. Respondent shall, within nine (9) months from the effective date of this
13 Stipulation, present evidence satisfactory to the Commissioner that Respondent has, since the
14 most recent issuance of an original or renewal real estate license, taken and successfully
15 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
16 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
17 Respondent's real estate license shall automatically be suspended until Respondent presents
18 evidence satisfactory to the Commissioner of having taken and successfully completed the
19 continuing education requirements. Proof of completion of the continuing education courses
20 must be delivered to the Department's Flag Section at 651 Bannon Street, Suite 504,
21 Sacramento, CA 95811.

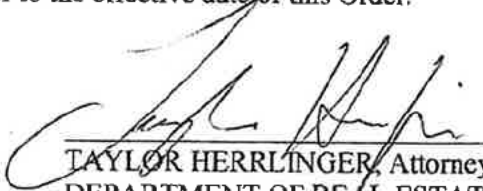
22 6. Respondent shall notify the Commissioner in writing within 72 hours of
23 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
24 delivered to the Department's Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA
25 95811. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent
26 was arrested and the name and address of the arresting law enforcement agency. Respondent's
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1 failure to timely file written notice shall constitute an independent violation of the terms of the
2 restricted license and shall be grounds for the suspension or revocation of that license.

3 7. All licenses and licensing rights of Respondent are indefinitely suspended
4 unless or until Respondent pays the sum of \$750.00 for the Commissioner's reasonable cost of
5 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
6 the form of a cashier's check made payable to the Department. The investigative and
7 enforcement costs must be delivered to the Department's Flag Section at 651 Bannon Street,
8 Suite 504, Sacramento, CA 95811, prior to the effective date of this Order.

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10 01-09-2025

11 DATED

12 
13 TAYLOR HERRLINGER, Attorney
14 DEPARTMENT OF REAL ESTATE

15 * * *

16 I have read the Stipulation and Agreement, and its terms are understood by me
17 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by
18 the APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the
19 Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
20 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing
21 at which I would have the right to cross-examine witnesses against me and to present evidence
22 in defense and mitigation of the charges.

23 Respondent can signify acceptance and approval of the terms and conditions of
24 this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
25 Respondent, to the Department at fax number (916) 576-7840 or by e-mail to
26 taylor.herrlinger@dre.ca.gov. Respondent agrees, acknowledges, and understands that by
27 electronically sending to the Department a copy of Respondent's actual signature as it appears
on the Stipulation and Agreement, that receipt of the copy by the Department shall be as

1 binding on Respondent as if the Department had received the original signed Stipulation and
2 Agreement.

3
4 1/7/25
5 DATED


TROY ANDREW ATTWELL
Respondent

6 ***

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

9
10 January 9, 2025

11 DATED


ADAM P. SMITH
Attorney for Respondent

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13 ***

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

16 **APR 16 2025**

17 IT IS SO ORDERED

3/16/2025

18
19 CHIKA SUNQUIST
20 Real Estate Commissioner

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22
23 By Marcus L. McCarther
24 Chief Deputy Real Estate Commissioner
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