

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789

FILED

JUN 08 2007

DEPARTMENT OF REAL ESTATE

By J. Fe

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) No. H-9897 SF
13 JOSEPH JOHN BRADY,) STIPULATION AND AGREEMENT
14 Respondent.)
15)

16 It is hereby stipulated by and between Respondent
17 JOSEPH JOHN BRADY, acting by and through his attorney of record,
18 Cameron D. Watt, and the Complainant, acting by and through
19 Michael B. Rich, Counsel for the Department of Real Estate, as
20 follows for the purpose of settling and disposing of the
21 Accusation filed on February 7, 2007, in this matter ("the
22 Accusation"):

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement.

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

7 3. On February 20, 2007, Respondent filed a
8 Notice of Defense pursuant to Section 11505 of the Government
9 Code for the purpose of requesting a hearing on the allegations
10 in the Accusation. Respondent hereby freely and voluntarily
11 withdraws said Notice of Defense. Respondent acknowledges that
12 Respondent understands that by withdrawing said Notice of
13 Defense Respondent will thereby waive Respondent's right to
14 require the Commissioner to prove the allegations in the
15 Accusation at a contested hearing held in accordance with the
16 provisions of the APA and that Respondent will waive other
17 rights afforded to Respondent in connection with the hearing
18 such as the right to present evidence in defense of the
19 allegations in the Accusation and the right to cross-examine
20 witnesses.

21 4. Respondent, pursuant to the limitations set
22 forth below, hereby admits that the factual allegations in the
23 Accusation pertaining to Respondent are true and correct and
24 stipulates and agrees that the Real Estate Commissioner shall
25 not be required to provide further evidence of such allegations.

26 5. It is understood by the parties that the
27 Real Estate Commissioner may adopt the Stipulation and Agreement

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

9 6. This Stipulation and Agreement shall not
10 constitute an estoppel, merger or bar to any further
11 administrative or civil proceedings by the Department of Real
12 Estate with respect to any matters which were not specifically
13 alleged to be causes for accusation in this proceeding.

14 DETERMINATION OF ISSUES

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

19 I

20 The acts and omissions of Respondent JOSEPH JOHN
21 BRADY described in the Accusation are grounds for the suspension
22 or revocation of the licenses and license rights of Respondent
23 under the provisions of Sections 490 and 10177(b) of the
24 California Business and Professions Code.

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Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions attaching to the restricted license until three (3) years have elapsed from the date of issuance of the restricted license to Respondent. The Commissioner may, in the Commissioner's discretion, deny any application by Respondent for the issuance of an unrestricted license or for the removal of any of the conditions, limitations or restrictions of a restricted license, unless, with such application, Respondent provides proof acceptable to the Real Estate Commissioner that, throughout the term of the restricted license issued pursuant to this Stipulation and Agreement, Respondent has, each and every week, attended one or more sessions of Alcoholics Anonymous or Narcotics Anonymous, or that such attendance in any week was impractical due to travel for work, the illness of Respondent or a member of Respondent's family, incarceration, residential treatment for substance abuse, extreme personal hardship for

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Respondent or a member of Respondent's family, or family emergency.

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

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and,
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

5. Respondent shall, within nine months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the

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Respondent presents such evidence. The
Commissioner shall afford Respondent the
opportunity for a hearing pursuant to the
Administrative Procedure Act to present such
evidence.

April 5, 2007
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Agreement 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 of the charges.

A-3-07
DATED

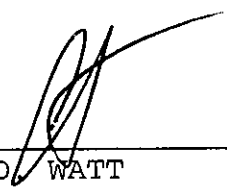
Joseph John Brady
Respondent

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Approved as to form and content by counsel for
Respondent.

4-3-07



DATED

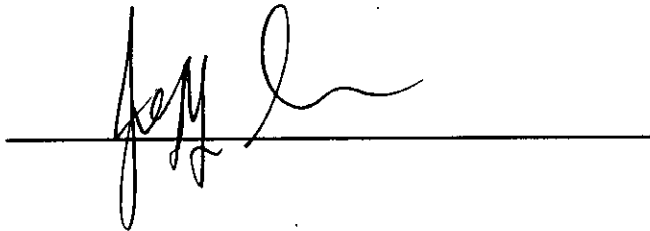
CAMERON D. WATT
Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby
adopted by as my Decision in this matter as to Respondent JOSEPH
JOHN BRADY and shall become effective at 12 o'clock noon on
JUN 28, 2007.

IT IS SO ORDERED 5-14, 2007.

JEFF DAVI
Real Estate Commissioner



1 MICHAEL B. RICH, Counsel
State Bar No. 84257
2 Department of Real Estate
P.O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

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FEB 07 2007

DEPARTMENT OF REAL ESTATE

By J. FEQ

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 JOSEPH JOHN BRADY,) NO. H-9897 SF
13 Respondent.) ACCUSATION
14)

15
16 The Complainant, CHARLES W. KOENIG, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against JOSEPH JOHN BRADY (hereinafter referred to as
19 Respondent), is informed and alleges as follows:

20 I

21 Respondent is presently licensed and/or has license
22 rights under the Real Estate Law (Part 1 of Division 4 of the
23 Business and Professions Code) (hereafter "Code") as a
24 restricted real estate salesperson.

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II

The Complainant, CHARLES W. KOENIG, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

III

On or about August 15, 2006, in the Superior Court, County of San Luis Obispo, State of California, case number M000389149, Respondent was convicted of a violation of Section 655(c) of the California Harbors and Navigation Code (Operate a vessel, water ski, aquaplane or similar device while having a blood alcohol level of 0.08% or more), a crime involving moral turpitude which bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

IV

The facts alleged in Paragraph III, 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.

MATTERS IN AGGRAVATION

V

On or about July 26, 2000, in the Municipal Court, County of San Bernardino, State of California, case number MNC009259, Respondent was convicted of a violation of Section 655(a) of the California Harbors and Navigation Code (Endanger life, limb or property by reckless or negligent use of any vessel, water skis, aquaplane or similar device), a crime

1 involving moral turpitude which bears a substantial relationship
2 under Section 2910, Title 10, California Code of Regulations, to
3 the qualifications, functions, or duties of a real estate
4 licensee.

5 VI

6 On or about April 10, 2001, in the Superior Court,
7 County of San Diego, State of California, case number M822643,
8 Respondent was convicted of a violation of Section 23152(a) of
9 the California Vehicle Code (Unlawfully driving a vehicle while
10 under the influence of alcohol), a crime involving moral
11 turpitude which bears a substantial relationship under Section
12 2910, Title 10, California Code of Regulations, to the
13 qualifications, functions, or duties of a real estate licensee.

14 PRIOR PROCEEDING

15 VII

16 Effective February 10, 2004, in Case No. H-8641 SF,
17 before the California Department of Real Estate, pursuant to
18 Stipulation and Waiver, the application of Respondent for a
19 conditional real estate license, filed July 9, 2003, was denied
20 with a right to a restricted conditional real estate salesperson
21 license for a violation of Section 480(a) and Section 10177(b)
22 of the Code.

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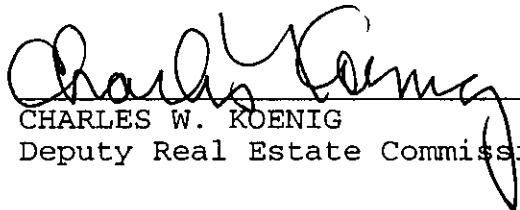
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondent
5 under the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

8
9 
10 CHARLES W. KOENIG
11 Deputy Real Estate Commissioner

12 Dated at Sacramento, California,
13 this 29th day of January, 2007.