

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

FILED

AUG 17 2010

DEPARTMENT OF REAL ESTATE

By K. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) DRE No. H-10894 SF
12)
13 REED BENNETT ROBERTSON,) STIPULATION AND AGREEMENT
14) IN SETTLEMENT AND ORDER
15 Respondent.)

16 It is hereby stipulated by and between REED BENNETT ROBERTSON (herein
17 "Respondent" or "ROBERTSON"), his attorney, Jeffrey William Allen, and the Complainant,
18 acting by and through Richard K. Uno, Counsel for the Department of Real Estate; as follows for
19 the purpose of settling and disposing of the Accusation filed on March 29, 2010, 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.

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

1 3. On April 12, 2010, Respondent filed a Notice of Defense pursuant to Section
2 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the
3 Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
5 will thereby waive his right to require the Commissioner to prove the allegations in the
6 Accusation at a contested hearing held in accordance with the provisions of the APA and that he
7 will waive other rights afforded to him 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. Respondent, pursuant to the limitations set forth below, hereby admits that the
10 factual allegations or findings of fact as set forth in the Accusation filed in this proceeding are
11 true and correct and the Real Estate Commissioner shall not be required to provide further
12 evidence of such allegations.

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

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

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions and waivers, and solely for
3 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
4 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds
5 for the suspension or revocation of the licenses and license rights of Respondent under the
6 provisions of Sections 10176(a), 10176(c), 10176(i) and 10177(j) of the Business and
7 Professions Code (the Code).

8 ORDER

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

18 2. The license shall not confer any property right in the privileges to be
19 exercised, and the Real Estate Commissioner may by appropriate order suspend the right to
20 exercise any privileges granted under this restricted license in the event of:

- 21 (a) The conviction of ROBERTSON (including a plea of nolo
22 contendere) of a crime which is substantially related to
23 Respondent's fitness or capacity as a real estate licensee; or
24 (b) The receipt of evidence that ROBERTSON has violated provisions
25 of the California Real Estate Law, the Subdivided Lands Law,
26 Regulations of the Real Estate Commissioner, or conditions
27 attaching to this restricted license.

1 3. ROBERTSON shall not be eligible to apply for the issuance of an unrestricted
2 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching
3 to the restricted license until two (2) years have elapsed from the date of issuance of the
4 restricted license to ROBERTSON.

5 4. With the application for license, or with the application for transfer to a new
6 employing broker, ROBERTSON shall submit a statement signed by the prospective employing
7 real estate broker on a form approved by the Department which shall certify as follows:

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

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

14 5. ROBERTSON shall, within nine (9) months from the effective date of this
15 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
16 since the most recent issuance of an original or renewal real estate license, taken and
17 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
18 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
19 the Commissioner may order the suspension of the restricted license until Respondent presents
20 such evidence. The Commissioner shall afford Respondent the opportunity for hearing pursuant
21 to the Administrative Procedure Act to present such evidence.

22 6. ROBERTSON shall, within six (6) months from the effective date of this
23 Decision, take and pass the Professional Responsibility Examination administered by the
24 Department including the payment of the appropriate examination fee. If ROBERTSON fails to
25 satisfy this condition, the Commissioner may order suspension of ROBERTSON'S license until
26 ROBERTSON passes the examination.

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3 DATED

Richard K. Uno
RICHARD K. UNO, Counsel
DEPARTMENT OF REAL ESTATE

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5 * * *

6 I have read the Stipulation and Agreement In Settlement and Order, have
7 discussed it with my attorney, and its terms are understood by me and are agreeable and
8 acceptable to me. I understand that I am waiving rights given to me by the California
9 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
10 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
11 rights, including the right of requiring the Commissioner to prove the allegations in the
12 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
13 and to present evidence in defense and mitigation of the charges.

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16 DATED

Reed Bennett Robertson
REED BENNETT ROBERTSON
Respondent

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18 I have reviewed this Stipulation and Agreement In Settlement and Order as to
19 form and content and have advised my clients accordingly.

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22 DATED

Jeffrey William Allen
JEFFREY WILLIAM ALLEN
Attorney for Respondent

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

SEP - 7 2010

IT IS SO ORDERED

8-12-2010

JEFF DAVI
Real Estate Commissioner



1 Richard K. Uno, Counsel (SBN 98275)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007
5 Telephone: (916) 227-2380

FILED

MAR 29 2010

DEPARTMENT OF REAL ESTATE

By H. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) NO. H-10894 SF
13 REED BENNETT ROBERTSON,)
14) ACCUSATION
15 Respondent.)

16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner
17 of the State of California for cause of Accusation against REED BENNETT ROBERTSON,
18 (ROBERTSON), referred to as "Respondent", is informed and alleges as follows:

19 1

20 The Complainant makes this Accusation in her official capacity.

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22 ROBERTSON is presently licensed and/or has license rights under the Real
23 Estate Law, Part I of Division 4 of the California Business and Professions Code (the Code),
24 as a real estate broker.

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In and around March, 2007, Nigelia Syeed was in the process of obtaining a loan for the purchase of real property commonly known as 2904 Lincoln Oaks Drive, Modesto, California (Lincoln Oaks Property).

During the application process for the financing of the loan on the Lincoln Oaks Property, ROBERTSON was asked by Gwen Stone, an employee of Streamline Corporation, the lender in the transaction, to verify employment of Syeed. ROBERTSON stated that Syeed worked for him and/or his corporation. ROBERTSON received \$500.00 in exchange for falsely verifying Syeed's employment.

The representations made by ROBERTSON to the lender in the transaction set out above were false, and ROBERTSON knew that they were false when those representations were made. The true facts were that Syeed did not at the time the inquiry was made, not at any other time, work for ROBERTSON or his corporation, and that ROBERTSON misrepresented the employment of Syeed to fraudulently induce the lender to fund the loan on the Lincoln Oak Property.

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondent ROBERTSON under Section 10176(a), (c) and (i) and/or 10177(j) of the Code.

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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and license rights of Respondents under the Code, and for such other
4 and further relief as may be proper under other provisions of law.

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6 
7 TRICIA D. SOMMERS
8 Deputy Real Estate Commissioner

9 Dated at Sacramento, California,
10 this 29th day of March, 2010.