

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

4 Telephone: (916) 227-0789

**FILED**

JUN 11 2012

DEPARTMENT OF REAL ESTATE  
By R. Max

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

11 \* \* \*

12 In the Matter of the Accusation of )  
13 ALLISON RENEE PHARIS, ) NO. H-11272 SF  
14 Respondent. ) STIPULATION AND AGREEMENT  
15 )

16 It is hereby stipulated by and between Respondent ALLISON RENEE PHARIS,  
17 ("Respondent"), acting by and through Mary E. Work, Esq., Counsel for Respondent, and the  
18 Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Department of  
19 Real Estate ("Department"), as follows for the purpose of settling and disposing of the  
20 Accusation filed on December 19, 2011, in this matter:

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

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

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

13                  4.       Respondent, pursuant to the limitations set forth below, hereby admits that  
14 the factual allegations in the Accusation filed in this proceeding are true and correct and the  
15 Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

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DETERMINATION OF ISSUES

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

I.

The acts and omissions of Respondent ALLISON RENEE PHARIS as described in the Accusation are grounds for the suspension or revocation of the license and license rights of Respondent under the provisions of Sections 10177(f), 10177(j) and 10177(g) of the California Business and Professions Code ("Code").

ORDER

I.

The real estate salesperson license and license rights of Respondent ALLISON RENEE PHARIS are hereby revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.6 of the Code if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within ninety (90) days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law,

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1 the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or conditions  
2 attaching to the restricted license.

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

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

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

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

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

25                   6. Respondent shall, within six (6) months from the effective date of  
26 this Decision, take and pass the Professional Responsibility Examination administered by

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1 the Department, including the payment of the appropriate examination fee. If Respondent  
2 fails to satisfy this condition, the Commissioner may order the suspension of all licenses and  
3 licensing rights of Respondent until Respondent passes the examination.

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5 4-18-12

6 DATED



ANNETTE E. FERRANTE, Counsel  
Department of Real Estate

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2 I have read the Stipulation and Agreement and its terms are understood by me  
3 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by  
4 the California Administrative Procedure Act (including but not limited to Sections 11506,  
5 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and  
6 voluntarily waive those rights, including the right of requiring the Commissioner to prove the  
7 allegations in the Accusation at a hearing at which I would have the right to cross-examine  
8 witnesses against me and to present evidence in defense and mitigation of the charges.  
9 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation  
10 and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to  
11 the Department at fax number (916) 227-9458. Respondent agrees, acknowledges and  
12 understands that by electronically sending to the Department a fax copy of Respondent's actual  
13 signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the  
14 Department shall be as binding on Respondent as if the Department had received the original  
15 signed Stipulation and Agreement.

16  
17 3 April 2012

18 DATED



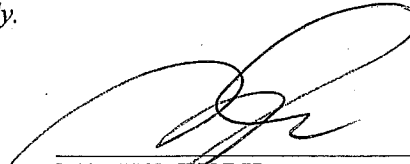
19 ALLISON RENEE PHARIS,  
20 Respondent

21 \* \* \*

22 *I have reviewed this Stipulation and Agreement and Order as to form and*  
23 *content and have advised my clients accordingly.*

24  
25 4/5/12

26 DATED



27 MARY E. WORK,  
Attorney for Respondent  
ALLISON RENEE PHARIS

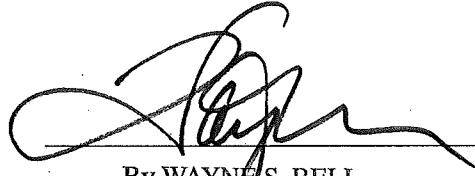
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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondent ALLISON RENEE PHARIS, and shall become  
effective at 12 o'clock noon on JUL - 2 2012.

IT IS SO ORDERED

June 6, 2012

REAL ESTATE COMMISSIONER



By WAYNE S. BELL  
Chief Counsel