

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

4 Telephone: (916) 227-0789
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FILED

JUL 30 2012

DEPARTMENT OF REAL ESTATE

By L. Jones

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA
11

12 * * *

13 In the Matter of the Accusation of)

14 HENRY G. JEGER,)

15)
16 Respondent.)
17)

) DRE Case No. H-11293 SF
) OAH Case No.: 2012021086

) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER

18 It is hereby stipulated by and between Respondent HENRY G. JEGER (herein
19 "Respondent"), individually, and his attorney, Frank M. Buda, and the Complainant, acting by
20 and through Kenneth C. Espell, Counsel for the Department of Real Estate (herein "the
21 Department"), as follows for the purpose of settling and disposing of the Accusation filed on
22 January 9, 2012, in this matter:

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

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

4 3. A Notice of Defense was filed on January 20, 2012, by Respondent, pursuant
5 to Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
8 Defense, he will thereby waive his right to require the Real Estate Commissioner (herein "the
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 he will waive other rights afforded to him in
11 connection with the hearing such as the right to present evidence in defense of the allegations in
12 the Accusation and the right to cross-examine witnesses.

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

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

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

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1 restricted license until four (4) years have elapsed from the effective date of this Order.

2 4. Respondent shall, within nine (9) months from the effective date of the Order,
3 present evidence satisfactory to the Commissioner that Respondent has, since the most recent
4 issuance of an original or renewal real estate license, taken and successfully completed the
5 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
6 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order
7 the suspension of the restricted license until Respondent presents such evidence. The
8 Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to
9 present such evidence.

10 5. Respondent shall, within six (6) months from the issuance of the restricted
11 license, take and pass the Professional Responsibility Examination administered by the
12 Department, including the payment of the appropriate examination fee. If Respondent fails to
13 satisfy this condition, the Commissioner may order the suspension of the restricted license until
14 Respondent passes the examination.

15 6. Respondent shall notify the Commissioner in writing within 72 hours of
16 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
17 Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of
18 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
19 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
20 constitute an independent violation of the terms of the restricted license and shall be grounds for
21 the suspension or revocation of that license.

22 Respondent can signify acceptance and approval of the terms and conditions of
23 this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by
24 Respondent, to the Department at fax number (916) 227-9458. Respondent agrees,
25 acknowledges and understands that by electronically sending to the Department a fax copy of his
26 actual signature as it appears on the Stipulation and Waiver, that receipt of the faxed copy by the
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1 Department shall be as binding on Respondent as if the Department had received the original
2 signed Stipulation and Waiver.

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5 6/19/2012

6 DATED

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KENNETH C. ESPELL, Counsel
DEPARTMENT OF REAL ESTATE

I have read the Stipulation and Agreement in Settlement and Order 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 APA (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.

6-19-12

DATED

HENRY G. JEGGER
Respondent.

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

6-19-12

DATED

FRANK M. BUDA
Attorney for Respondent

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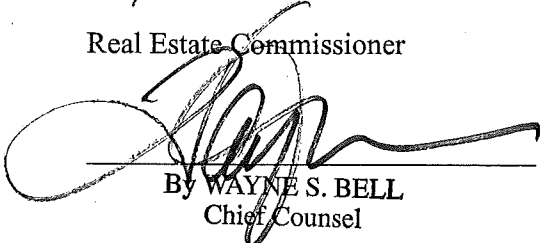
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1 The foregoing Stipulation and Agreement in Settlement and Order is hereby
2 adopted by me as my Decision in this matter and shall become effective at 12 o'clock noon on

3 AUG 20 2012.

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5 IT IS SO ORDERED July 11, 2012.

6 Real Estate Commissioner

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8 
9 By WAYNE S. BELL
 Chief Counsel