

**FILED**

AUG 18 2014

BUREAU OF REAL ESTATE

By S. Blech

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of

BRAD LYLE DUNCAN,

Respondent.

No. H-11585 SF

OAH No. 2013110889

STIPULATION AND AGREEMENT

The California Bureau of Real Estate (Complainant) filed an Accusation against BRAD LYLE DUNCAN (Respondent), on September 23, 2013. On March 11, 2014, a hearing was held and evidence was received, the record was closed, and the matter was submitted.

On April 10, 2014, the Proposed Decision of the Administrative Law Judge was issued revoking Respondent's real estate broker license, with the right to apply for a restricted broker license.

On May 19, 2014, the Commissioner rejected the Proposed Decision of April 10, 2014.

The parties wish to settle this matter without further proceedings.

IT IS HEREBY STIPULATED by and between Respondent, his counsel, Delphine S. Adams, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau, as follows for the purpose of settling and disposing of the Accusation filed by Complainant.



1 provisions of Sections 2831, 2831.1, 2831.2 and 2832(a) of the Regulations and Sections 10137,  
2 10145, 10177(d) and 10177(g) of the Code.

3 ORDER

4 1. All licenses and licensing rights of Respondent BRAD LYLE DUNCAN  
5 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson  
6 license shall issue subject to the requirements of Section 10153.4 of the Business and Professions  
7 Code. The restricted license issued to the Respondent shall be subject to all of the provisions of  
8 Section 10156.7 of the Business and Professions Code and to the following limitations,  
9 conditions, and restrictions imposed under authority of Section 10156.6 of said Code:

10 a. The restricted license issued to Respondent shall be suspended  
11 prior to hearing by order of the Real Estate commissioner in the event of his conviction or plea of  
12 nolo contendere to a crime that is substantially related to his fitness or capacity as a real estate  
13 licensee.

14 b. The restricted license issued to Respondent shall be suspended  
15 prior to hearing by order of the Real Estate Commission on evidence satisfactory to the  
16 Commissioner that he has violated provisions of the California Real Estate Law, the Subdivided  
17 Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
18 license.

19 c. Respondent shall not be eligible to apply for the issuance of an  
20 unrestricted real estate license nor the removal of any of the conditions, limitations, or  
21 restrictions attaching to the restricted license until two (2) years have elapsed from the date of  
22 issuance of the restricted license to Respondent.

23 2. With the application for license, or with the application for transfer to a  
24 new employing broker, Respondent shall submit a statement signed by the prospective employing  
25 real estate broker on a form approved by the Bureau which shall certify as follows:

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

1                   (b) That the employing broker will carefully review all transaction  
2                   documents prepared by the restricted licensee and otherwise  
3                   exercise close supervision over the licensee's performance of acts  
4                   for which a license is required.

5                   3. Respondent shall, within nine (9) months from the effective date of this  
6 Order, present evidence satisfactory to the Commissioner that Respondent has, since the most  
7 recent issuance of an original or renewal real estate license, taken and successfully completed the  
8 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal  
9 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate  
10 license shall automatically be suspended until Respondent presents evidence satisfactory to the  
11 Commissioner of having taken and successfully completed the continuing education  
12 requirements. Proof of completion of the continuing education courses must be delivered to the  
13 Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

14                   4. Respondent shall, within six (6) months from the effective date of this  
15 Order, take and pass the Professional Responsibility Examination administered by the Bureau  
16 including the payment of the appropriate examination fee. If Respondent fails to satisfy this  
17 condition, respondent's real estate license shall automatically be suspended until Respondent  
18 passes the examination.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1                   5.     All licenses and licensing rights of Respondent are indefinitely suspended  
2 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and  
3 successfully completed the continuing education course on trust fund accounting and handling  
4 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions  
5 Code. Proof of satisfaction of these requirements includes evidence that respondent has  
6 successfully completed the trust fund account and handling continuing education courses, no  
7 earlier than 120 days prior to the effective date of the Order in this matter. Proof of completion  
8 of the trust fund accounting and handling course must be delivered to the Bureau of Real Estate,  
9 Legal Section at P.O. Box 137007, Sacramento, CA 95813-7007 or by fax at 916-263-3767, prior  
10 to the effective date of this Order.

11                   6.     All licenses and licensing rights of Respondent are indefinitely  
12 suspended unless or until Respondent pays the sum of \$2,440.60 for the Commissioner's  
13 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
14 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate.  
15 The investigative and enforcement costs must be delivered to the Bureau of Real Estate, Legal  
16 Section at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of this  
17 Order.

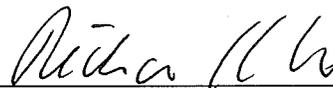
18                   7.     Pursuant to Section 10148 of the Code, Respondent shall pay the sum of  
19 \$5,926.51 for the Commissioner's cost of the audit which led to this disciplinary action.  
20 Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from the  
21 Commissioner. Payment of audit costs should not be made until Respondent receives the  
22 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,  
23 respondent's real estate license shall automatically be suspended until payment is made in full,  
24 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
25 condition.

26                   8.     Pursuant to Section 10148 of the Code, Respondent shall pay the  
27 Commissioner's reasonable cost, not to exceed \$5,926.51, for an audit to determine if

1 Respondent has corrected the violation(s) found in the Determination of Issues. In calculating  
2 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated  
3 average hourly salary for all persons performing audits of real estate brokers, and shall include an  
4 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost  
5 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the  
6 audit costs should not be made until Respondent receives the invoice. If Respondent fails to  
7 satisfy this condition in a timely manner as provided for herein, respondent's real estate license  
8 shall automatically be suspended until payment is made in full, or until a decision providing  
9 otherwise is adopted following a hearing held pursuant to this condition.  
10  
11

12 7/29/14

13 \_\_\_\_\_  
14 DATED

15 

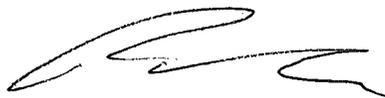
16 \_\_\_\_\_  
17 RICHARD K. UNO, Counsel III  
18 BUREAU OF REAL ESTATE

19 \* \* \*

20 I have read the Stipulation and Agreement and its terms are understood by me and  
21 are agreeable and acceptable to me. I willingly and voluntarily agree to enter into this  
22 Stipulation.  
23

24 7/22/14

25 \_\_\_\_\_  
26 DATED

27 

28 \_\_\_\_\_  
29 BRAD LYLE DUNCAN  
30 Respondent

31 \* \* \*

1 I have reviewed this Stipulation and Agreement as to form and content and have  
2 advised my clients accordingly.

3  
4 July 24, 2014  
5 DATED

Delphine S Adams  
6 DELPHINE S. ADAMS

7  
8 \* \* \*

9  
10  
11 The foregoing Stipulation and Agreement is hereby adopted by the Real Estate  
12 Commissioner as his Decision and Order.

13 This Order shall become effective at 12 o'clock noon on SEP 08 2014

14 IT IS SO ORDERED

8/14/2014

15  
16 REAL ESTATE COMMISSIONER

17 Wayne S. Bell

18  
19 Wayne S. Bell  
20  
21  
22  
23  
24  
25  
26  
27