

FILED

JAN 14 2015

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

BUREAU OF REAL ESTATE
By S. Black

4 Telephone: (916) 263-8670
5 Fax: (916) 263-3767

6 BEFORE THE BUREAU OF REAL ESTATE
7 STATE OF CALIFORNIA

8 * * *

9 In the Matter of the Accusation of)
10 WOODLAKE BROKERAGE COMPANY)
11 ON-SITE SALES, INC., a Corporation, and)
12 VALERIE FOX CARLOS,)
Respondents.)

NO. H-11678 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

As to VALERIE FOX CARLOS only.

13 It is hereby stipulated by and between Respondent VALERIE FOX CARLOS
14 (herein "Respondent"), by and through Peter N. Brewer, attorney of record herein for
15 Respondent, and the Complainant, acting by and through Mary F. Clarke, Counsel for the Bureau
16 of Real Estate (herein "the Bureau"), as follows for the purpose of settling and disposing the
17 Accusation filed on April 14, 2014, in this matter (herein "Accusation"):

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

23 2. Respondent has received, read and understands the Statement to Respondent,
24 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

25 3. A Notice of Defense was filed on May 1, 2014, by Respondent, pursuant to
26 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
27 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.

1 Respondent acknowledges she understands that by withdrawing said Notice of Defense she will
2 thereby waive her rights to require the Real Estate Commissioner (herein "the Commissioner") to
3 prove the allegations in the Accusation at a contested hearing held in accordance with the
4 provisions of the APA and that she will waive other rights afforded to her in connection with the
5 hearing such as the right to present evidence in defense of the allegations in the Accusation and
6 the right to cross-examine witnesses.

7 4. Respondent, pursuant to the Determination of Issues, set forth below, hereby
8 admits that the factual allegations in the Accusation filed in this proceeding are true and correct,
9 and the Real Estate Commissioner shall not be required to provide further evidence of such
10 allegations.

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

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

22 7. Respondent understands that by agreeing to this Stipulation and Agreement in
23 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the California
24 Business and Professions Code (herein "Code"), the cost of the audit which resulted in the
25 determination that Respondent committed the violations found in the Determination of Issues.
26 The amount of said costs is \$3,689.02.

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Section 10177(d) of the Code; and
(h) as to Paragraph 8(h) under Section 10159.5 of the Code and Section 2731
of the Regulations in conjunction with Section 10177(d) of the Code.

ORDER

I

A. All licenses and licensing rights of Respondent under the Real Estate Law are
suspended until such time as Respondent provides proof satisfactory to the Commissioner that
Respondent has, within one hundred twenty (120) days prior to the effective date of the Order
herein completed the continuing education course on trust fund accounting and handling
specified in subdivision (a) of Section 10170.5 of the Code. Proof of completion of the trust
fund accounting and handling course must be delivered to the Bureau of Real Estate, Legal
Section at P.O. Box 137007, Sacramento, CA 95813-7007 or by fax at 916-263-3767, prior to
the effective date of this Order.

B. All licenses and licensing rights of Respondent under the Real Estate Law
are revoked; provided, however, a restricted real estate broker license shall be issued to
Respondent pursuant to Section 10156.5 of the Code if, within 90 days from the effective date of
the Decision entered pursuant to this Order, Respondent, prior to and as a condition of the
issuance of said restricted license makes application for the restricted license and pays to the
Bureau the appropriate fee therefor.

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 that 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

1 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
2 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
3 Law, Regulations of the Real Estate Commissioner, or conditions attaching to the restricted
4 license.

5 3. Respondent shall not be eligible to apply for the issuance of an
6 unrestricted real estate license or for the removal of any of the conditions, limitations or
7 restrictions of a restricted license until two (2) years have elapsed from the effective date of this
8 Order.

9 4. Respondent understands that by agreeing to this Stipulation and Agreement in
10 Settlement and Order, Respondent agrees to pay, pursuant to Section 10148 of the Code, the cost
11 of the audit which resulted in the determination that Respondent committed the trust fund
12 violations found in the Determination of Issues, above. The amount of said cost is \$3,689.02.
13 **Respondent shall pay such cost within sixty (60) days of receiving an invoice therefore from**
14 **the Commissioner.** If Respondent fails to pay such cost within the sixty (60) days,
15 Respondent's real estate license shall automatically be suspended until Respondent's payment is
16 made in full. Upon payment in full, the indefinite suspension provided for in this paragraph shall
17 be stayed.

18 5. Respondent shall pay the Commissioner's costs, not to exceed \$3,689.02, of
19 any audit conducted pursuant to Section 10148 of the Code to determine if Respondent has
20 corrected the violations described in the Determination of Issues, above. In calculating the
21 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
22 hourly salary for all persons performing audits of real estate brokers, and shall include an
23 allocation for travel time to and from the auditor's place of work. **Respondent shall pay such**
24 **cost within sixty (60) days of receiving an invoice therefore from the Commissioner**
25 detailing the activities performed during the audit and the amount of time spent performing those
26 activities. If Respondent fails to pay such cost within the sixty (60) days, Respondent's real estate
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1 license shall automatically be suspended until Respondent's payment is made in full. Upon
2 payment in full, the indefinite suspension provided for in this paragraph shall be stayed.

3 6. All licenses and licensing rights of Respondent are indefinitely suspended
4 unless or until Respondent pays, the sum of \$1,744.80, for the Commissioner's reasonable cost
5 of the investigation and enforcement which led to this disciplinary action. Said payment shall
6 be in the form of a cashier's check made payable to the Bureau of Real Estate. The
7 **investigative and enforcement costs must be delivered to the Bureau of Real Estate, Legal**
8 **Section at P.O. Box 137007, Sacramento, CA 95813-7007, prior to the effective date of this**
9 **Order.**

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

19 8. Respondent shall, within six (6) months from the effective date of this
20 **Order, take and pass the Professional Responsibility Examination administered by the Bureau**
21 **including the payment of the appropriate examination fee. If Respondent fails to satisfy this**
22 **condition, Respondent's real estate license shall automatically be suspended until Respondent**
23 **passes the examination.**

24 1-2-15
25 _____
26 DATED

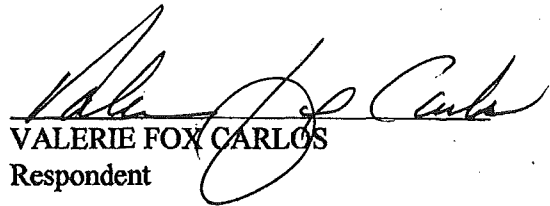
24 
25 MARY R. CLARKE, Counsel
26 Bureau of Real Estate

27 * * *

1 I have read the Stipulation and Agreement in Settlement and Order and its terms
2 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
3 rights given to me by the California APA (including but not limited to Sections 11506, 11508,
4 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive
5 those rights, including the right of requiring the Commissioner to prove the allegations in the
6 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
7 and to present evidence in defense and mitigation of the charges.

8
9 12/27/2014

DATED

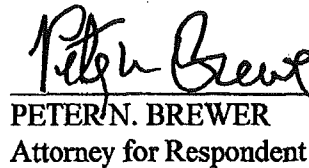

VALERIE FOX CARLOS
Respondent

11 * * *

12 I have reviewed the Stipulation and Agreement in Settlement and Order as to form
13 and content and have advised my client accordingly.

14
15 12/26/2014

DATED


PETER N. BREWER
Attorney for Respondent

17 ***

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

20 FEB 04 2015

21
22 IT IS SO ORDERED

January 13, 2015

23
24 REAL ESTATE COMMISSIONER



25
26 WAYNE S. BELL
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