

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 263-8670
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FILED
OCT 14 2015
BUREAU OF REAL ESTATE
By L. Frost

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

NO. H-11811 SF

12 THOMAS HALSTED PERSONS,)

STIPULATION AND
AGREEMENT

13 Respondent.)
14

15 It is hereby stipulated by and between Respondent THOMAS HALSTED
16 PERSONS ("Respondent"), acting by and through Mary Work, Esq., Counsel for Respondent,
17 and the Complainant, acting by and through Annette E. Ferrante, Esq., Counsel for the Bureau of
18 Real Estate ("Bureau"), as follows for the purpose of settling and disposing of the Accusation
19 filed on February 6, 2015, 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
22 hearing was to be held in accordance with the provisions of the Administrative Procedure Act
23 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions
24 of this Stipulation and Agreement ("Stipulation").

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

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

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

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

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

23 7. Respondent understands that by agreeing to this Stipulation, Respondent
24 agrees to pay, pursuant to Section 10106 of the California Business and Professions Code
25 ("Code"), the costs of the investigation and enforcement of this case which resulted in the
26 determination that Respondent committed the violation(s) found in the Determination of Issues.
27 The amount of such cost is \$787.60.

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1 of a restricted license until two (2) years have elapsed from the effective date of this Decision
2 and Order.

3 2. Respondent shall submit with any application for license under an
4 employing broker, or any application for transfer to a new employing broker, a statement signed
5 by the prospective employing real estate broker on a form approved by the Bureau which shall
6 certify:

7 a. That the employing broker has read the Decision and Order of the
8 Commissioner which granted the right to a restricted license; and

9 b. That the employing broker will exercise close supervision over the
10 performance by the restricted licensee relating to activities for which a real estate license is
11 required.

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

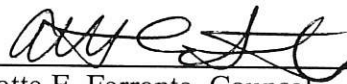
22 4. Respondent shall notify the Commissioner in writing within 72 hours of
23 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Flag
24 Section, P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
25 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
26 the arresting law enforcement agency. Respondent's failure to timely file written notice shall

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1 constitute an independent violation of the terms of the restricted license and shall be grounds for
2 the suspension or revocation of that license.

3 5. All licenses and licensing rights of Respondent are indefinitely suspended
4 unless or until Respondent pays the sum of \$787.60 for the Commissioner's reasonable cost of
5 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
6 the form of a cashier's check made payable to the Bureau of Real Estate. **The investigation and**
7 **enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box**
8 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**

9
10 7/31/15
11 DATED

12 
13 Annette E. Ferrante, Counsel
14 Bureau of Real Estate

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20 I have read this Stipulation and its terms are understood by me and are agreeable
21 and acceptable to me. I understand that I am waiving rights given to me by the California
22 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and
23 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those
24 rights, including the right of requiring the Commissioner to prove the allegations in the
25 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
26 and to present evidence in defense and mitigation of the charges. Respondent can signify

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1 acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the
2 signature page, as actually signed by Respondent, to the Bureau at fax number (916) 263-3767.
3 Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a
4 fax copy of Respondent's actual signature as it appears on this Stipulation, that receipt of the
5 faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the
6 original signed Stipulation.

7
8 7/30/2015

9 DATED


10 THOMAS HALSTED PERSONS,
11 Respondent

12 ***

13 *I have reviewed this Stipulation as to form and content and have advised my*
14 *client accordingly.*

15 7/30/15

16 DATED


17 Mary Work, Esq.,
18 Attorney for Respondent
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The foregoing Stipulation and Agreement and Order is hereby adopted by me as my Decision and Order in this matter as to Respondent THOMAS HALSTED PERSONS, and shall become effective at 12 o'clock noon on NOV 03 2015.

IT IS SO ORDERED OCTOBER 9, 2015.

WAYNE S. BELL
REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be 'JM' or similar initials, enclosed within a large, loopy oval shape.

By: JEFFREY MASON
Chief Deputy Commissioner