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FILED

SEP 23 2015

BUREAU OF REAL ESTATE

By *L. J. Shaw*

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Bureau of Real Estate
P.O. Box 137007
Sacramento, CA 95813-7007
Telephone: (916) 263-8672

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

DANIEL JOSEPH SHAW,

Respondent:

No. H-11813 SF

STIPULATION AND
AGREEMENT TO
SURRENDER

It is hereby stipulated by and between DANIEL JOSEPH SHAW
(Respondent), representing himself, and the Complainant, acting by and through Truly
Sughrue, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and
disposing the Accusation filed on February 11, 2015 in this matter:

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

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

1 3. Respondent filed a Notice of Defense 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 rights 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 afforded
8 to Respondent in connection with the hearing such as the right to present evidence in defense of
9 the allegations in the Accusation and the right to cross-examine witnesses.

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

17 5. The Order or any subsequent Order of the Commissioner made pursuant to
18 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
19 administrative or civil proceedings by the Bureau with respect to any matters which were not
20 specifically alleged in Accusation H-11813 SF.

21 DECLARATION OF DANIEL JOSEPH SHAW

22 In lieu of proceeding in this matter in accordance with the provisions of the APA,
23 I, DANIEL JOSEPH SHAW, wish to voluntarily surrender my real estate license(s) issued by the
24 Bureau, pursuant to Business and Professions Code section 10100.2.

25 ///

26 ///

1 I understand that by voluntarily surrendering my license(s), I may be re-licensed
2 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of
3 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree
4 to the following:

5 1. The filing of this Declaration shall be deemed as my petition for
6 voluntary surrender.

7 2. It shall also be deemed to be an understanding and agreement by me that
8 I waive all rights I have to require the Commissioner to prove the allegations contained in the
9 Accusation filed in this matter at a hearing held in accordance with the provisions of the APA,
10 and that I also waive other rights afforded to me in connection with the hearing such as the
11 right to discovery, the right to present evidence in defense of the allegations in the Accusation
12 and the right to cross-examine witnesses.

13 3. I further agree that upon acceptance by the Commissioner, as evidenced
14 by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this
15 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation
16 filed in the Bureau Case No. H-11813 SF may be considered by the Bureau to be true and
17 correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to
18 Government Code section 11522.

19 4. I freely and voluntarily surrender all my licenses and license rights under
20 the Real Estate Law.

21 * * *

22 ORDER

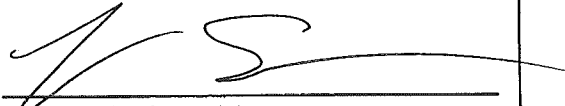
23 I

24 Respondent's petition for voluntary surrender of his real estate broker license is
25 accepted as of the effective date of this Order as set forth below, based upon the understanding
26 and agreement expressed in Respondent's Declaration incorporated herein as part of this
27 Stipulation and Agreement. Respondent's license certificates, pocket cards and any branch office

1 license certificates shall be sent to the below listed address so that they reach the Bureau on or
2 before the effective date of this Order:

3
4 BUREAU OF REAL ESTATE
Attn: Licensing Flag Section
5 P. O. Box 137013
6 Sacramento, CA 95813-7013

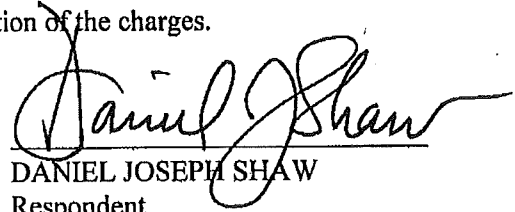
7 20-July-15
8 DATED


9 TRULY SUGHRUE
Counsel for Complainant

10 ***

11 I have read the Stipulation and Agreement, discussed it with my counsel, and its
12 terms are understood by me and are agreeable and acceptable to me. I understand that I am
13 waiving rights given to me by the APA, and I willingly, intelligently and voluntarily waive those
14 rights, including the right of requiring the Commissioner to prove the allegations in the
15 Accusation at a hearing at which I would have the right to cross-examine witnesses against me
16 and to present evidence in defense and mitigation of the charges.

17 July 16, 2015
18 DATED


19 DANIEL JOSEPH SHAW
Respondent

20 ***

21 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
22 shall become effective at 12 o'clock noon on OCT 13 2015.

23 IT IS SO ORDERED SEPTEMBER 16, 2015

24 Real Estate Commissioner


25 By: JEFFREY MASON
26 Chief Deputy Commissioner
27