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

Telephone: (916) 263-8670
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FILED

JUN 20 2016

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	BRE No. H-11920 SF
)	
ALLAN THOMAS BEER, JR.)	
)	<u>STIPULATION AND AGREEMENT</u>
Respondent.)	<u>IN SETTLEMENT AND ORDER</u>
)	

It is hereby stipulated by and between ALLAN THOMAS BEER, JR. (Respondent), and his counsel, Mary E. Work, and the Complainant, acting by and through Richard K. Uno, Counsel for the Bureau of Real Estate; as follows for the purpose of settling and disposing of the Accusation filed on December 21, 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 In Settlement and Order (Order).

2. Respondent has received, read, and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation 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 he understands that by withdrawing said Notice of Defense he will thereby
5 waive his right to require the Real Estate Commissioner (Commissioner) to prove the allegations
6 in the Accusation at a contested hearing held in accordance with the provisions of the APA and
7 that he will waive other rights afforded to him in connection with the hearing such as the right to
8 present evidence in defense of the allegations in the Accusation and the right to cross-examine
9 witnesses.

10 4. This Order is based on the factual allegations contained in the Accusation.
11 In the interest of expediency and economy, Respondent chooses not to contest these factual
12 allegations, but to remain silent and understand that, as a result thereof, these factual statements
13 will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below.
14 The Commissioner shall not be required to provide further evidence to prove such allegations.

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

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

25 7. Respondent understands that by agreeing to this Order, Respondent agrees
26 to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the
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1 investigation and enforcement which resulted in the determination that Respondent committed
2 the violations found in the Determination of Issues. The amount of said costs is \$1,311.05.

3
4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and waivers, and solely for
6 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
7 that the acts and/or omissions of Respondent, as described in the Accusation, constitute grounds
8 for the suspension or revocation of the licenses and license rights of Respondent under the
9 provisions of Sections 490, 10177(b) and 10186.2 of the Code.

10 ORDER

11 All licenses and licensing rights of Respondent, under the Real Estate Law are
12 revoked; provided, however, a restricted real estate broker license shall be issued to Respondent,
13 pursuant to Section 10156.5 of the Code, if Respondent makes application therefore and pays to
14 the Bureau of Real Estate the appropriate fee for the restricted license within 90 days from the
15 effective date of this Decision and Order. The restricted license issued to Respondent shall be
16 subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,
17 conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

18 1. The restricted license issued to Respondent may be suspended prior to
19 hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
20 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
21 estate licensee.

22 2. The restricted license issued to Respondent may be suspended prior to
23 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
25 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
26 license.

27 3. Respondent shall not be eligible to apply for the issuance of any

1 unrestricted real estate license nor the removal of any of the conditions, limitations, or
2 restrictions of a restricted until four (4) years have elapsed from the effective date of this
3 Decision and Order. Respondent shall not be eligible to apply for any unrestricted licenses until
4 all restrictions attaching to the license have been removed.

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

15 5. All licenses and licensing rights of Respondent are indefinitely suspended
16 unless or until Respondent pays the sum of \$1,311.05 for the Commissioner's reasonable cost of
17 the investigation and enforcement which led to this disciplinary action. Said payment shall be in
18 the form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
19 enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
20 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

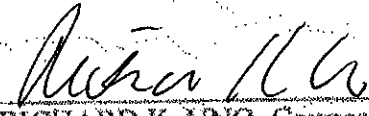
21 6. Respondent shall notify the Commissioner in writing within 72 hours of
22 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
23 Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
24 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
25 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
26 constitute an independent violation of the terms of the restricted license and shall be ground for
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the suspension or revocation of that license.

5/12/16

DATED



RICHARD K. UNO, Counsel III
BUREAU 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 Administrative Procedure Act (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.

5/12/16

DATED

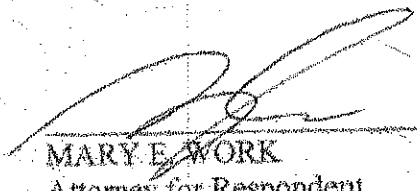


ALLAN THOMAS BEER, JR.

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

5/12/16

DATED



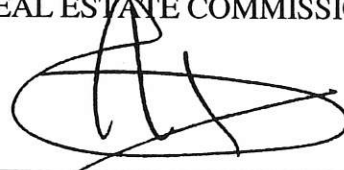
MARY E. WORK
Attorney for Respondent

The foregoing Stipulation and Agreement In Settlement and Order is hereby

1 The foregoing Stipulation and Agreement In Settlement and Order is hereby
2 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
3 at 12 o'clock noon on JUL 11 2016

4 IT IS SO ORDERED June 16, 2016

5 WAYNE S. BELL
6 REAL ESTATE COMMISSIONER

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9 By: JEFFREY MASON
10 Chief Deputy Commissioner

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