

1 Bureau of Real Estate  
2 P.O. Box 137007  
3 Sacramento, CA 95815-7007

4 Telephone: (916) 263-8672

**FILED**

SEP 19 2016

BUREAU OF REAL ESTATE

By B. Nicholas

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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11 In the Matter of the Accusation of )

12 BAK-MAR CORPORATION, and JON A. )  
13 MARCHANT, )

14 Respondents.)

No. H-11972 SF

STIPULATION AND  
AGREEMENT TO  
SURRENDER

15 It is hereby stipulated by and between BAK-MAR CORPORATION, and JON  
16 A. MARCHANT (Respondents), represented by Terrel J. Mason, and the Complainant, acting  
17 by and through Truly Sughrue, Counsel for the Bureau of Real Estate (Bureau), as follows for  
18 the purpose of settling and disposing the Accusation filed on May 27, 2016, in this matter:

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

24 2. Respondents have received, read, and understand the Statement to  
25 Respondent, and the Discovery Provisions of the APA filed by the Bureau in this proceeding.

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1           3.       Respondents 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 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense  
5 Respondents will thereby waive Respondents' 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 Respondents will waive other rights  
8 afforded to Respondents 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.       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 Respondents 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 shall not constitute an estoppel, merger or bar to any further administrative or  
19 civil proceedings by the Bureau with respect to any matters which were not specifically alleged in  
20 Accusation H-11972 SF.

21                   DECLARATION OF BAK-MAR CORPORATION

22           In lieu of proceeding in this matter in accordance with the provisions of the APA,  
23 BAK-MAR CORPORATION (BAK-MAR) wishes to voluntarily surrender its corporate real  
24 estate broker license issued by the Bureau, pursuant to Code Section 10100.2. Ralph L. Chapman  
25 (Chapman) is the President of BAK-MAR, and is authorized to sign this declaration on behalf of  
26 BAK-MAR.  
27

1 Chapman, on behalf of BAK-MAR, understands that by voluntarily surrendering  
2 BAK-MAR license(s), BAK-MAR may be re-licensed as a corporate broker only by petitioning  
3 for reinstatement pursuant to section 11522 of the Government Code. Chapman, on behalf of  
4 BAK-MAR, also understands that by voluntarily surrendering BAK-MAR license(s), Chapman  
5 agrees to the following:

6 1. The filing of this Declaration shall be deemed as BAK-MAR petition for  
7 voluntary surrender.

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

14 3. Chapman, on behalf of BAK-MAR, further agrees that upon acceptance by  
15 the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence  
16 obtained by the Bureau in this matter prior to the Commissioner's acceptance, and all allegations  
17 contained in the Accusation filed in the Bureau Case No. H-11972 SF may be considered by the  
18 Bureau to be true and correct for the purpose of deciding whether to grant re-licensure or  
19 reinstatement pursuant to Government Code section 11522.

20 4. Chapman freely and voluntarily surrenders all of BAK-MAR's licenses  
21 and license rights under the Real Estate Law.

22 DECLARATION OF JON A. MARCHANT

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

26 I understand that by voluntarily surrendering my license(s), I may be re-licensed  
27 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of

1 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree  
2 to the following:

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

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

11 3. I further agree that upon acceptance by the Commissioner, as evidenced  
12 by an appropriate order, all affidavits and all relevant evidence obtained by the Bureau in this  
13 matter prior to the Commissioner's acceptance, and all allegations contained in the Accusation  
14 filed in the Bureau Case No. H-11972 SF may be considered by the Bureau to be true and  
15 correct for the purpose of deciding whether to grant re-licensure or reinstatement pursuant to  
16 Government Code section 11522.

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

19 \* \* \*

20 ORDER

21 I

22 Pursuant to Section 10148 of the Code, Respondents shall, jointly and severally,  
23 pay the sum of \$4,529.28 for the Commissioner's cost of the audit which led to this disciplinary  
24 action. Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore  
25 from the Commissioner. Payment of audit costs should not be made until Respondents receives  
26 the invoice. Any petition for reinstatement made pursuant to Government Code Section 11522  
27 shall be denied if Respondents fails to satisfy this condition.

II

BAK-MAR's petition for voluntary surrender of its corporate real estate broker

license is accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in BAK-MAR's Declaration incorporated herein as part of this Stipulation. BAK-MAR's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

BUREAU OF REAL ESTATE  
Attn: Licensing Flag Section  
P. O. Box 137013  
Sacramento, CA 95815-7013


III

MARCHANT's petition for voluntary surrender of his real estate broker license is

accepted as of the effective date of this Order as set forth below, based upon the understanding and agreement expressed in MARCHANT's Declaration incorporated herein as part of this Stipulation. MARCHANT's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Bureau on or before the effective date of this Order:

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

2-AUG-16  
DATED

  
TRULY SUGHRUE  
Counsel for Complainant

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I have read the Stipulation and Agreement, discussed it with my counsel, 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, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the

1 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the  
2 right to cross-examine witnesses against me and to present evidence in defense and mitigation of  
3 the charges.


4 Respondent and Respondent's attorney further agree to send the original signed  
5 Stipulation by mail to the following address no later than one (1) week from the date the  
6 Stipulation is signed by Respondent and Respondent's attorney: *Bureau of Real Estate, Legal*  
7 *Section, P.O. Box 137007, Sacramento, California 95813-7007*. Respondent and Respondent's  
8 attorney understand and agree that if they fail to return the original signed Stipulation by the due  
9 date, Complainant retains the right to set this matter for hearing.

10 BAK-MAR CORPORATION  
11 Respondent

12  
13 DATED

7/22/16

By:

  
Ralph L. Chapman, President

14  
15 DATED

7/22/16

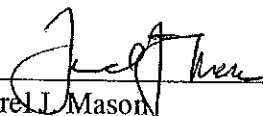
  
JON A. MARCHANT  
Respondent

17 \*\*\*

18 *I have reviewed the Stipulation as to form and content and have advised my*  
19 *client accordingly.*

20  
21 DATED

July 21, 2016

  
Terrell Mason  
Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted as my Decision and  
Order and shall become effective at 12 o'clock noon on OCT 10 2016.

IT IS SO ORDERED

9/14/2016

WAYNE S. BELL  
Real Estate Commissioner

