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. 1	Department of Real Estate	
2	P.O. Box 137007	
. 3	Sacramento, CA 95815-7007	
4	Telephone: (916) 263-8672 FEB 1 1 2019	
5	DEPARTMENT OF REAL ESTATE By BANCLADIAS	
6	Tomesamor (Salatin and With Decomposition of the Salatin and Sa	
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8	BEFORE THE DEPARTMENT OF REAL ESTATE	
. 9	STATE OF CALIFORNIA	
10	* * *	
11	In the Matter of the Accusation of (
12	No. H-12051 SF	
13) <u>STIPULATION AND</u>) AGREEMENT TO	
14	Respondent.) <u>SURRENDER</u>	
	It is hereby stipulated by and between RALPH ARNOLD ACCOLA, JR	
15	(Respondent), and the Complainant, acting by and through Truly Sughrue, Counsel for the	
16	Department of Real Estate (Department), as follows for the purpose of settling and disposing	
17	the Accusation filed on January 31, 2017, in this matter:	
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 (APA),	
21	shall instead and in place thereof be submitted solely on the basis of the provisions of this	
22	Stipulation and Agreement to Surrender (Stipulation).	
23	2. Respondent has received, read, and understands the Statement to	
24	Respondent, and the Discovery Provisions of the APA filed by the Department in this	
25	proceeding.	
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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 acknowledges that Respondent understands that by withdrawing said Notice of Defense Respondent will thereby waive Respondent's right to require the Real Estate Commissioner 5 6 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA, and that Respondent will waive other rights afforded 7 to Respondent in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses. 9

10 4. It is understood by the parties that the Commissioner may adopt the 11 Stipulation as his decision in this matter thereby imposing the penalty and sanctions on the real estate licenses and license rights of Respondent as set forth in the below "Order". In the event 12 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no 1,3 effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under 14 all the provisions of the APA and shall not be bound by any admission or waiver made herein. 15

16 5. The Order or any subsequent Order of the Commissioner made pursuant to 17 this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or 18 civil proceedings by the Department with respect to any matters which were not specifically 19 alleged in Accusation H-12051 SF.

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DECLARATION OF RALPH ARNOLD ACCOLA, JR

21 In lieu of proceeding in this matter in accordance with the provisions of the APA, I, RALPH ARNOLD ACCOLA, JR, wish to voluntarily surrender my real estate license(s) issued 22 by the Department, pursuant to Business and Professions Code section 10100.2. 23

24 I understand that by voluntarily surrendering my license(s), I may be re-licensed 25 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of the Government Code. I also understand that by voluntarily surrendering my license(s), I agree 26 27 to the following:

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1 1. The filing of this Declaration shall be deemed as my petition for 2 voluntary surrender.

3 2. It shall also be deemed to be an understanding and agreement by me that I waive all rights I have to require the Commissioner to prove the allegations contained in the 4 5 Accusation filed in this matter at a hearing held in accordance with the provisions of the APA, and that I also waive other rights afforded to me in connection with the hearing such as the 6 right to discovery, the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 3. I further agree that upon acceptance by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant evidence obtained by the Department in 10 this matter prior to the Commissioner's acceptance, and all allegations contained in the 11 Accusation filed in the Department Case No. H-12051 SF may be considered by the 12 Department to be true and correct for the purpose of deciding whether to grant re-licensure or 13 14 reinstatement pursuant to Government Code section 11522.

15 I freely and voluntarily surrender all my licenses and license rights under 4. 16 the Real Estate Law.

ORDER

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20 With any petition for reinstatement made in the future, Respondent shall, pay the sum of \$13,617.00 for the Commissioner's cost of the audit which led to this disciplinary action. Any petition for reinstatement made pursuant to Government Code Section 11522 shall be 22 23 denied if Respondent fails to satisfy this condition.

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25 Respondent'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 26 27 and agreement expressed in Respondent's Declaration incorporated herein as part of this

- 3 -

Stipulation. Respondent's license certificates, pocket cards and any branch office license certificates shall be sent to the below listed address so that they reach the Department on or before the effective date of this Order:

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

-1)ec-18 DATED

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TRULY SUGHRUE

Counsel for Complainant

I have read the Stipulation, 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 Commissioner to prove the allegations in the Accusations 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.

Respondent further agrees to send the original signed Stipulation by mail to the following address no later than one (1) week from the date the Stipulation is signed by Respondent and Respondent's attorney: *Department of Real Estate, Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondent understands and agrees that if she fails to return the original signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.

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RALPH ARNOLD ACCO Respondent

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I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly. DATE Joseph D. O'Sullivan Attorney for Respondent *** The foregoing Stipulation and Agreement is hereby adopted as my Decision and MAR 0 4 2019 Order and shall become effective at 12 o'clock noon on IT IS SO ORDERED February 8, 2019 Real Estate Commissioner Samin Sand: - 5 -