

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

4 Telephone: (916) 263-8672

FILED

FEB 11 2019

DEPARTMENT OF REAL ESTATE
By B. Arnold

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12 RALPH ARNOLD ACCOLA, JR,)

13 Respondent.)

No. H-12051 SF

STIPULATION AND
AGREEMENT TO
SURRENDER

14 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
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 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 as 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 Respondent shall retain the right to a hearing and proceeding on the Accusation under
15 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

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.

20 DECLARATION OF RALPH ARNOLD ACCOLA, JR

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

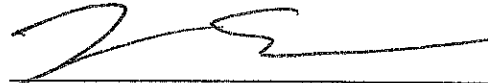
24 I understand that by voluntarily surrendering my license(s), I may be re-licensed
25 as a salesperson or as a broker only by petitioning for reinstatement pursuant to section 11522 of
26 the Government Code. I also understand that by voluntarily surrendering my license(s), I agree
27 to the following:

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

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

7 27-Dec-18

8 DATED



8 TRULY SUGHRUE
9 Counsel for Complainant

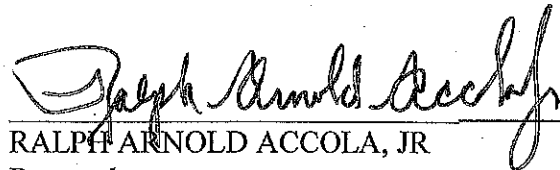
9 * * *

10 I have read the Stipulation, and its terms are understood by me and are agreeable
11 and acceptable to me. I understand that I am waiving rights given to me by the California
12 Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights,
13 including the right of requiring the Commissioner to prove the allegations in the Accusations at a
14 hearing at which I would have the right to cross-examine witnesses against me and to present
15 evidence in defense and mitigation of the charges.

16 Respondent further agrees to send the original signed Stipulation by mail to the
17 following address no later than one (1) week from the date the Stipulation is signed by
18 Respondent and Respondent's attorney: *Department of Real Estate, Legal Section, P.O. Box*
19 *137007, Sacramento, California 95813-7007*. Respondent understands and agrees that if she fails
20 to return the original signed Stipulation by the due date, Complainant retains the right to set this
21 matter for hearing.

23 12/22/18

25 DATED



25 RALPH ARNOLD ACCOLA, JR
26 Respondent

1 I have reviewed the Stipulation and Agreement as to form and content and have
2 advised my client accordingly.

3
4 12/22/18
5 DATED

Joseph D. O'Sullivan
6 Joseph D. O'Sullivan
7 Attorney for Respondent

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9 The foregoing Stipulation and Agreement is hereby adopted as my Decision and
10 Order and shall become effective at 12 o'clock noon on MAR 04 2019.

11 IT IS SO ORDERED February 8, 2019

12 Real Estate Commissioner

13 David J. Sand
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