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2	FILED
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4	OCT 0 8 2018
5	DEPARTMENT OF REAL ESTATE
6	By D. M.C.A.S.
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
.11	In the Matter of the Accusation of:) NO. H-12120 SF
12	ROBERT HAROLD REICHERT and
13	RICK YU, STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER
14	Respondents
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1 6	It is hereby stipulated by and between ROBERT HAROLD REICHERT
17	("REICHERT"), RICK YU ("YU"), acting by and through Adam L. Pedersen, counsel for both
18	REICHERT and YU, and the Complainant, acting by and through Jason D. Lazark, Counsel for
19	the Department of Real Estate (the "Department"), as follows for the purpose of settling and
20	disposing of the Accusation filed on November 20, 2017, in this matter:
21	1. All issues which were to be contested and all evidence which was to be
22	presented by Complainant, REICHERT and YU at a formal hearing on the Accusation, which
23	hearing was to be held in accordance with the provisions of the Administrative Procedure Act
24	(APA), shall instead and in place thereof be submitted solely on the basis of the provisions of
25	this Stipulation and Agreement In Settlement and Order ("Stipulation and Agreement").
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2. REICHERT and YU have received, read and understand the Statement to
 2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of
 3 Real Estate in this proceeding.

4 3. On or about December 21, 2017, REICHERT and YU filed a joint Notice of 5 Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a 6 hearing on the allegations in the Accusation. REICHERT and YU hereby freely and voluntarily 7 withdraw said Notice of Defense. REICHERT and YU acknowledge that REICHERT and YU 8 will thereby waive their rights to require the Real Estate Commissioner (the "Commissioner") to 9 prove the allegations in the Accusation at a contested hearing held in accordance with the 10 provisions of the APA and that REICHERT and YU will waive other rights afforded to them 11 in connection with the hearing such as the right to present evidence in defense of the allegations 12 in the Accusation and the right to cross-examine witnesses.

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

¹⁹ 5. This Stipulation and Agreement and REICHERT's decision not to contest
²⁰ the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
²¹ are expressly limited to this proceeding and any other proceeding or case in which the
²² Department, the state or federal government, an agency of this state, or an agency of another
²³ state is involved.

6. It is understood by the parties that the Commissioner may adopt the
Stipulation and Agreement as his Decision and Order in this matter thereby imposing the penalty
and sanctions on the real estate licenses and license rights of REICHERT and YU as set forth in
the below Decision and Order. In the event that the Commissioner in his discretion does not

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adopt the Stipulation and Agreement, it shall be void and of no effect, and REICHERT and YU
shall retain the right to a hearing and proceeding on the Accusation under all of the provisions of
the APA and shall not be bound by any admission or waiver made herein.

7. The Decision and Order or any subsequent Order of the Commissioner made
pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any
further administrative or civil proceedings by the Department with respect to any matters which
were not specifically alleged to be causes for accusation in this proceeding as admitted or
withdrawn.

DECLARATION OF RICK YU

In lieu of proceeding in this matter in accordance with the provisions of the
Administrative Procedure Act (Sections 11400 et seq., of the Government Code), YU wishes to
voluntarily surrender his real estate license(s) issued by the Department, pursuant to Business
and Professions Code Section 10100.2.

YU understands that by voluntarily surrendering his license(s), YU may be
re-licensed as a salesperson or as a broker only by petitioning for reinstatement pursuant to
Section 11522 of the Government Code. YU also understands that by voluntarily surrendering
his license(s), YU agrees to the following:

The filing of this Declaration shall be deemed as YU's petition for voluntary
 surrender.

It shall also be deemed to be an understanding and agreement by YU that he
 waives all rights he has to require the Commissioner to prove the allegations contained in the
 Accusation filed in this matter at a hearing held in accordance with the provisions of the
 Administrative Procedure Act (Government Code Sections 11400 et seq.), and that YU also
 waives other rights afforded to him in connection with the hearing such as the right to
 discovery, the right to present evidence in defense of the allegations in the Accusation, and the
 right to cross-examine witnesses.

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1	3. Without admitting fault or liability, YU further agrees that upon acceptance	
2	by the Commissioner, as evidenced by an appropriate order, all affidavits and all relevant	
3	evidence obtained by the Department in this matter prior to the Commissioner's acceptance,	
4	and all allegations contained in the Accusation filed in Department Case No. H-12120 SF may	
5	be considered by the Department only to be true and correct for the purpose of deciding	
6	whether to grant re-licensure or reinstatement pursuant to Government Code Section 11522.	
7	4. YU freely and voluntarily surrenders all licenses and license rights under the	
8	Real Estate Law.	
9	DETERMINATION OF ISSUES	
10	By reason of the foregoing stipulations, admissions and waivers, and solely for	
11	the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed	
12	that the acts and omissions of REICHERT, as described in the Accusation, are grounds for the	ŀ
13	suspension or revocation of the licenses and license rights of REICHERT under the provisions of	
14	Sections 10137, 10176(a), 10176(i), 10177(a), 10177(d), 10177(g) and 10177(j) of the Code.	
15	DECISION AND ORDER	
16	I. As to REICHERT	
17	1. All licenses and licensing rights of REICHERT under the Real Estate Law	
18	are revoked; provided, however, a restricted real estate salesperson license shall be issued to	
19	REICHERT pursuant to Section 10156.5 of the Code if REICHERT makes application therefore	
20	and pays to the Department the appropriate fee for the restricted license within 90 days from the	
21	effective date of this Decision and Order. The restricted license issued to REICHERT shall be	
22	subject to all of the provisions of Section 10156.7 of the Code and to the following limitations,	
23	conditions and restrictions imposed under authority of Section 10156.5 of that Code:	
24	(a) The restricted license issued to REICHERT shall be suspended prior to	
25	hearing by Order of the Commissioner in the event of REICHERT's	
26	conviction (including by plea of guilty or nolo contendere) to a crime	
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1	which is substantially related to REICHERT's fitness or capacity as a real
2	estate licensee; and,
3	(b) The restricted license issued to REICHERT shall be suspended prior to
4	hearing by Order of the Commissioner on evidence satisfactory to the
5	Commissioner that Respondent has violated provisions of the California
6	Real Estate Law, the Subdivided Lands Law, Regulations of the Real
7	Estate Commissioner, or conditions attaching to the restricted license.
8	2. REICHERT shall not be eligible to apply for the issuance of an unrestricted
9	real estate license nor for removal of any of the conditions, limitations or restrictions of a
10	restricted license until three (3) years have elapsed from the effective date of this Decision and
11	Order. REICHERT shall not be eligible to apply for any unrestricted license of any kind until all
12	restrictions attached to the license have been removed.
13	3. Upon the issuance of a restricted license to REICHERT, all licenses and
14	licensing rights of REICHERT under the Real Estate Law are suspended for a period of thirty
15	(30) days.
16	4. REICHERT shall submit with any application for license under an employing
17	broker, or any application for transfer to a new employing broker, a statement signed by the
18	prospective employing real estate broker on a form approved by the Department of Real Estate
19	which shall certify:
20	(a) That the employing broker has read the Decision of the
21	Commissioner which granted the right to a restricted license; and
22	(b) That the employing broker will exercise close supervision over
23	the performance by the restricted licensee relating to activities
24	for which a real estate license is required.
25	5. REICHERT shall, within nine (9) months from the effective date of this
26 27	Decision and Order, present evidence satisfactory to the Commissioner that REICHERT has,
£1	since the most recent issuance of an original or renewal real estate license, taken and successfully
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completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
Law for renewal of a real estate license. If REICHERT fails to satisfy this condition,
REICHERT's restricted real estate license shall automatically be suspended until REICHERT
presents such evidence to the Commissioner. Proof of completion of the continuing education
courses must be delivered to the Department of Real Estate, Flag Section, P.O. Box 137013,
Sacramento, CA 95813-7013 or by fax at 916-263-8785 prior to the effective date of this
Decision and Order.

8 6. REICHERT shall, within six (6) months from the effective date of this
9 Decision and Order, take and pass the Professional Responsibility Examination administered by
10 the Department including the payment of the appropriate examination fee. If REICHERT fails to
11 satisfy this condition, REICHERT's restricted real estate license shall automatically be
12 suspended until Respondent passes the examination.

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7. All licenses and licensing rights of REICHERT are indefinitely suspended
unless or until REICHERT pays the sum of <u>\$8,497.95</u> representing the Commissioner's
reasonable costs of the investigation and enforcement which led to this disciplinary action. Said
payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
Said check must be received by the Department prior to the effective date of the Decision and
Order in this matter at the Department of Real Estate, Flag Section, Post Office Box 137013,
Sacramento, CA 95813-7013.

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1 II. As to YU 2 YU's petition for the voluntary surrender of his real estate salesperson license is 3 accepted as of the effective date of this Decision Order, as set forth below, based upon the 4 understanding and agreement expressed in YU's Declaration incorporated herein as part of this 5 Stipulation and Agreement. YU's license certificates, pocket cards and any branch office license 6 certificates shall be sent to the below listed address so that they reach the Department on or 7 before the effective date of this Order: 8 DEPARTMENT OF REAL ESTATE 9 Attn: Licensing Flag Section P. O. Box 137013 10 Sacramento, CA 95815-7013 11 12 13 ZARK 14 Departy 15 16 I have read the Stipulation and Agreement and its terms are understood by me 17 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by 18 the California Administrative Procedure Act (including but not limited to Sections 11506, 19 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and 20 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 21 22 witnesses against me and to present evidence in defense and mitigation of the charges. 23 /// 24 /// 25 111 26 111 27 111 -7-



REICHERT and YU can signify acceptance and approval of the terms and 1 conditions of this Stipulation and Agreement by providing a scanned copy of the signature page, 2 as actually signed by REICHERT and YU, by email to jason.lazark@dre.ca.gov. REICHERT 3 and YU agree. acknowledge, and understand that by electronically sending the Department a 4 scanned copy of the actual signatures of REICHERT and YU as it appears on the Stipulation 5 and Agreement, that receipt of the scanned copy by the Department shall be as binding on 6 REICHERT and YU as if the Department had received the original signed Stipulation and 7 8 Agreement.

9 7/19/18 10 DATED ROBERT HAROLD REACHERT, Respondent 11 07-19-18 12 RICK YU. Respondent DATED 13 * * * 14 I have reviewed the Stipulation and Agreement as to form and content and 15 have advised my client accordingly. 16 17 18 ADAM PEDERSEN. DATED Attorney for Respondents, 19 ROBERT HAROLD REICHERT and RICK YU 20 21 The foregoing Stipulation and Agreement is hereby adopted as my Decision in OCT 2 9 2018 22 this matter and shall become effective at 12 o'clock noon on 23 October 1, 2018 IT IS SO ORDERED 24 DANIEL J. SANDRI 25 ACTING REAL ESTATE COMMISSIONER 26 Darin Sant. 27 - 8 -