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FILED

SEP 13 2019

DEPARTMENT OF REAL ESTATE
By B. Nicholas

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

No. H-12178 SF

GEORGE MARTIN GREEN and DE WOLF
REALTY CO.,

Respondents.

STIPULATION AND
AGREEMENT IN
SETTLEMENT AND ORDER

It is hereby stipulated by and between GEORGE MARTIN GREEN ("GREEN") and DE WOLF REALTY CO. ("DWR") (collectively "Respondents") and their attorney Jenny Y. Jin of the law firm Freeman, Mathis and Gary, LLP, and Complainant, acting by and through Kyle T. Jones, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on July 20, 2018, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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.

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1 2. Respondents have received, read, and understand the Statement to
2 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in
3 this proceeding.

4 3. Respondents filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
7 acknowledge that Respondents will waive Respondents' right to require the Real Estate
8 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
9 hearing held in accordance with the provisions of the APA and that Respondents will waive other
10 rights afforded to Respondents in connection with the hearing, such as the right to present
11 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

12 4. This Stipulation and Agreement and Respondents' decision not to contest
13 the Accusation are made for the purpose of reaching an agreed disposition of this proceeding and
14 are expressly limited to this proceeding and any other proceeding or case in which the
15 Department, the state or federal government, an agency of this state, or an agency of another state
16 is involved.

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

24 6. This Decision and Order or any subsequent Order of the Commissioner
25 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar
26 to any further administrative or civil proceedings by the Department with respect to any matters,
27 which were not specifically alleged in Accusation H-12178 SF.

1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers and solely for the
3 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that
4 the following Determination of Issues shall be made:

5 I

6 The acts and/or omissions of Respondents, as described in the Accusation, are
7 grounds for the suspension or revocation of the licenses and license rights of Respondents under
8 Business and Professions Code ("Code") Sections 10130, 10137, 10145, 10176(e), 10176(i),
9 10177(d), 10177(g), and 10177(j) in conjunction with the California Code of Regulations
10 ("Regulations"), Title 10, Sections 2773, 2831, 2831.1, 2832, 2832.1, and 2834.

11 II

12 The acts and/or omissions of GREEN, as described in the Accusation, are grounds
13 for the suspension or revocation of the licenses and license rights of GREEN under Sections
14 10159.2 and 10177(h) of the Code, in conjunction with Section 2725 of the Regulations.

15 ORDER AS TO GREEN

16 I

17 All licenses and licensing rights of GREEN under the Real Estate Law are
18 revoked; provided, however, a restricted real estate broker license shall be issued to GREEN
19 pursuant to Section 10156.5 of the Code if GREEN makes application therefore for the restricted
20 license within ninety (90) days from the effective date of this Decision and Order. The restricted
21 license issued to GREEN shall be subject to all of the provisions of Section 10156.7 of the Code
22 and to the following limitations, conditions and restrictions imposed under authority of Section
23 10156.6 of that Code:

24 1. The restricted license issued to GREEN may be suspended prior to
25 hearing by Order of the Commissioner in the event of GREEN's conviction or plea of nolo

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1 contendere to a crime which is substantially related to GREEN's fitness or capacity as a real
2 estate licensee.

3 2. The restricted license issued to GREEN may be suspended prior to
4 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
5 GREEN has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
7 license.

8 3. GREEN shall not be eligible to petition for the issuance of any unrestricted
9 real estate license nor for removal of any of the conditions, limitations or restrictions of a
10 restricted license until two (2) years have elapsed from the effective date of this Decision and
11 Order. GREEN shall not be eligible to apply for any unrestricted license until all restrictions
12 attaching to the license have been removed.

13 4. GREEN shall, within six (6) months from the effective date of this Order,
14 take and pass the Professional Responsibility Examination administered by the Department,
15 including the payment of the appropriate examination fee. If GREEN fails to satisfy this
16 condition, GREEN's real estate license shall automatically be suspended until GREEN passes the
17 examination.

18 5. All licenses and licensing rights of GREEN are indefinitely suspended
19 unless or until GREEN provides proof satisfactory to the Commissioner, of having taken and
20 successfully completed the continuing education course on trust fund accounting and handling
21 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
22 satisfaction of these requirements includes evidence that GREEN has successfully completed the
23 trust fund accounting and handling continuing education course, no earlier than one hundred
24 twenty (120) days prior to the effective date of the Order in this matter. Proof of completion of
25 the trust fund accounting and handling course must be delivered to the Department of Real
26 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-
27 8785, prior to the effective date of this Order.

1 6. GREEN shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
3 Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of
4 GREEN's arrest, the crime for which GREEN was arrested and the name and address of the
5 arresting law enforcement agency. GREEN's failure to timely file written notice shall
6 constitute an independent violation of the terms of the restricted license and shall be grounds
7 for the suspension or revocation of that license.

8 ORDER AS TO DWR

9 I

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

17 1. The restricted license issued to DWR may be suspended prior to
18 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
19 DWR has violated provisions of the California Real Estate Law, the Subdivided Lands Law,
20 Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

21 2. DWR shall not be eligible to petition for the issuance of any unrestricted
22 real estate license nor for removal of any of the conditions, limitations or restrictions of a
23 restricted license until two (2) years have elapsed from the effective date of this Decision and
24 Order. DWR shall not be eligible to apply for any unrestricted license until all restrictions
25 attaching to the license have been removed.

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1 Respondents fail to satisfy this condition in a timely manner as provided for herein,
2 Respondents' real estate licenses shall automatically be suspended until payment is made in
3 full, or until a decision providing otherwise is adopted following a hearing held pursuant to this
4 condition.

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6 7/15/19
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8 DATED

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KYLE T. JONES, Counsel
Department of Real Estate

I have read the Stipulation and Agreement, have 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 APA (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.

Respondent can signify acceptance and approval of the terms and conditions of
this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by
Respondent, to the Department at fax number (916) 263-3767 or by e-mail to
kyle.jones@DRE.ca.gov. Respondents agree, acknowledge, and understand that by
electronically sending to the Department a copy of Respondents' actual signature as it appears
on the Stipulation and Agreement, that receipt of the copy by the Department shall be as
binding on Respondents as if the Department had received the original signed Stipulation and
Agreement.

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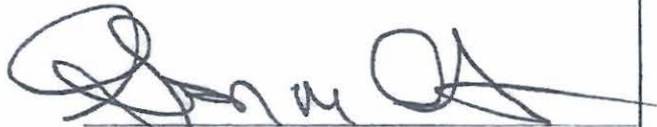
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2 DATED

7/10/19


GEORGE MARTIN GREEN
Respondent

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5 DATED

7/10/19


DE WOLF PROPERTIES CO.
By: George Martin Green, Designated Officer
Respondent

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9 *I have reviewed this Stipulation and Agreement as to form and content and have*
10 *advised my clients accordingly.*

11
12 DATED

7/12/19


JENNY Y. JIN
Attorney for Respondents

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15 The foregoing Stipulation and Agreement In Settlement and Order is hereby
16 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at
17 12 o'clock noon on OCT 04 2019.

18 IT IS SO ORDERED September 11, 2019.

19 DANIEL J. SANDRI
20 ACTING REAL ESTATE COMMISSIONER

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