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2	Department of Real Estate
3	P.O. Box 137007 Sacramento, CA 95815-7007 FILED
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5	DEPARTMENT OF REAL ESTATE By
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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-12315 SF
	STEVEN FULGHAM SCOTT,) STIPULATION AND
13	Respondent.) AGREEMENT TO SURRENDER
14	It is hereby stipulated by and between STEVEN FULGHAM SCOTT
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 October 24, 2018, in this matter:
18	1. All issues which were to be contested and all evidence which was to be
19	and an 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. Respondent has received, read, and understands the Statement to
25	Respondent, and the Discovery Provisions of the APA filed by the Department in this
	proceeding.
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1 Respondent filed a Notice of Defense pursuant to Section 11505 of the 3. Government Code for the purpose of requesting a hearing on the allegations in the Accusation. 2 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent 3 acknowledges that Respondent understands that by withdrawing said Notice of Defense 4 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 7 accordance with the provisions of the APA, and that Respondent will waive other rights afforded to Respondent in connection with the hearing such as the right to present evidence in defense of 8 9 the allegations in the Accusation and the right to cross-examine witnesses.

4. It is understood by the parties that the Commissioner may adopt the
 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
 that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and of no
 effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under
 all the provisions of the APA and shall not be bound by any admission or waiver made herein.

5. The Order or any subsequent Order of the Commissioner made pursuant to
 this Stipulation 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 in Accusation H-12315 SF.

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DECLARATION OF RALPH STEVEN FULGHAM SCOTT

In lieu of proceeding in this matter in accordance with the provisions of the APA,
 I, STEVEN FULGHAM SCOTT, wish to voluntarily surrender my real estate license(s) issued
 by the Department, pursuant to Business and Professions Code section 10100.2.

I understand that by voluntarily surrendering my license(s), I may be re-licensed
 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
 to the following:

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

 2
 voluntary surrender.

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² It shall also be deemed to be an understanding and agreement by me that
⁴ I waive all rights I have to require the Commissioner to prove the allegations contained in the
⁵ Accusation filed in this matter at a hearing held in accordance with the provisions of the APA,
⁶ and that I also waive other rights afforded to me in connection with the hearing such as the
⁷ right to discovery, the right to present evidence in defense of the allegations in the Accusation
⁸ and the right to cross-examine witnesses.

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
this matter prior to the Commissioner's acceptance, and all allegations contained in the
Accusation filed in the Department Case No. H-12315 SF may be considered by the
Department to be true and correct for the purpose of deciding whether to grant re-licensure or
reinstatement pursuant to Government Code section 11522.

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<u>ORDER</u>

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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
 and agreement expressed in Respondent's Declaration incorporated herein as part of this
 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:

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1 2	DEPARTMENT OF REAL ESTATE Attn: Licensing Flag Section P. O. Box 137013
3	Sacramento, CA 95813-7013
4	15-Nov-18
5	DATED TRULY SUGHRUE
6	Counsel for Complainant * * *
7	I have read the Stipulation, and its terms are understood by me and are agreeable
8	
9	and acceptable to me. I understand that I am waiving rights given to me by the California
10	Administrative Procedure Act, and I willingly, intelligently and voluntarily waive those rights,
11	including the right of requiring the Commissioner to prove the allegations in the Accusations at a
12	hearing at which I would have the right to cross-examine witnesses against me and to present
13	evidence in defense and mitigation of the charges.
	Respondent further agrees to send the original signed Stipulation by mail to the
14	following address no later than one (1) week from the date the Stipulation is signed by
15	Respondent and Respondent's attorney: Department of Real Estate, Legal Section, P.O. Box
16	137007, Sacramento, California 95813-7007. Respondent understands and agrees that if she fails
17	to return the original signed Stipulation by the due date, Complainant retains the right to set this
18	matter for hearing.
19	
20	A la t
21	november 7.2018 DCA
2.2	DATED STEVEN FULGHAM SCOTT
23	Respondent
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2	The foregoing Stipulation and Agreement is hereby adopted as my Decision and
3	Order and shall become effective at 12 o'clock noon on
4	IT IS SO ORDERED November 28, 2018
6	Real Estate Commissioner
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