

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 263-8672

FILED

JUN 11 2021

DEPARTMENT OF REAL ESTATE
By B. Nicholas

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

10 * * *

11 In the Matter of the Accusation of)

12 BARCELON ASSOCIATES, INC.,)
13 TED MERLE BARCELON, JR.)
14 and STEFANIE GRECOUSIS,)

Respondents.)

No. H-12401 SF

STIPULATION AND
AGREEMENT

15 It is hereby stipulated by and between BARCELON ASSOCIATES, INC. (BA),
16 TED MERLE BARCELON, JR. (BARCELON), and STEFANIE GRECOUSIS (GRECOUSIS)
17 (collectively referred to as "Respondents"), and the Complainant, acting by and through Richard
18 Uno, Counsel for the Department of Real Estate (Department), as follows for the purpose of
19 settling and disposing the Accusation filed on July 31, 2019, in this matter:

20 1. All issues which were to be contested and all evidence which was to be
21 presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing
22 was to be held in accordance with the provisions of the Administrative Procedure Act (APA),
23 shall instead and in place thereof be submitted solely on the basis of the provisions of this
24 Stipulation and Agreement.

25 2. Respondents have received, read, and understand the Statement to
26 Respondent, and the Discovery Provisions of the APA filed by the Department in this
27 proceeding.

1 3. Respondents 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 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents
4 acknowledge that Respondents understand that by withdrawing said Notice of Defense
5 Respondents will thereby waive Respondents' rights 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 Respondents will waive other rights
8 afforded to Respondents in connection with the hearing such as the right to present evidence in
9 defense of the allegations in the Accusation and the right to cross-examine witnesses.

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

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

21 6. BA and BARCELON understand that by agreeing to this Stipulation and
22 Agreement, BA and BARCELON agree to pay, pursuant to Section 10148 of the California
23 Business and Professions Code (Code), the cost of the audit, which resulted in the determination
24 that BA and BARCELON committed the trust fund handling violation(s) found in the
25 Determination of Issues. The amount of said costs is \$3,114.50.

26 7. BA and BARCELON further understand that by agreeing to this
27 Stipulation and Agreement, the findings set forth below in the Determination of Issues become

1 final, and that the Commissioner may charge said BA and BARCELON for the costs of any
2 audit conducted pursuant to Section 10148 of the Code to determine if the violations have been
3 corrected. The maximum costs of said audit shall not exceed \$3,893.12.

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

11 9. The Order or any subsequent Order of the Commissioner made pursuant to
12 this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any further
13 administrative or civil proceedings by the Department with respect to any matters which were not
14 specifically alleged in Accusation H-12401 SF.

15 * * *

16 DETERMINATION OF ISSUES

17 By reason of the foregoing stipulations and waivers and solely for the purpose of
18 settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
19 following determination of issues shall be made:

20 I

21 The acts and omissions of BA and BARCELON as described in the Accusation
22 are grounds for the suspension or revocation of BA and BARCELON's licenses and license
23 rights under Section 2725 and 2832.1 of title 10 of the California Code of Regulations
24 (Regulations) and Sections 10137, 10145, 10177(d), 10177(g) and 10177 (h) of the Code.

1 II

2 The acts and omissions of GRECOUSIS as described in the Accusation are
3 grounds for the suspension or revocation of GRECOUSIS' licenses and license rights under
4 Section 10130 of the Code.

5 * * *

6 ORDER

7 I

8 All licenses and licensing rights of BA under the Real Estate Law are suspended
9 for a period of ninety (90) days from the effective date of this Order; provided, however, that:

10 1) Thirty (30) days of said suspension shall be stayed, upon the condition that BA
11 petition pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section
12 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total monetary penalty
13 of \$1,500.

14 a) Said payment shall be in the form of a cashier's check made payable to the
15 Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
16 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
17 Order.

18 b) No further cause for disciplinary action against the Real Estate licenses of BA
19 occurs within two (2) years from the effective date of the decision in this matter.

20 c) If BA fails to pay the monetary penalty as provided above prior to the effective
21 date of this Order, the stay of the suspension shall be vacated as to that BA and the order of
22 suspension shall be immediately executed, under this Order, in which event the said BA shall not
23 be entitled to any repayment nor credit, prorated or otherwise, for the money paid to the
24 Department under the terms of this Order.

25 d) If BA pays the monetary penalty and any other moneys due under this Stipulation
26 and Agreement and if no further cause for disciplinary action against the real estate license of
27

1 said BA occurs within two (2) years from the effective date of this Order, the entire stay hereby
2 granted this Order, as to said BA only, shall become permanent.

3 2) Sixty (60) days of said suspension shall be stayed for two (2) years upon the
4 following terms and conditions:

5 a) BA shall obey all laws, rules and regulations governing the rights, duties and
6 responsibilities of a real estate licensee in the State of California; and,

7 b) That no final subsequent determination be made, after hearing or upon stipulation,
8 that cause for disciplinary action occurred within two (2) years from the effective date of this
9 Order. Should such a determination be made, the Commissioner may, in his discretion, vacate
10 and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no
11 such determination be made, the stay imposed herein shall become permanent.

12 II

13 All licenses and licensing rights of BARCELON under the Real Estate Law are
14 suspended for a period of ninety (90) days from the effective date of this Order; provided,
15 however, that:

16 1) Thirty (30) days of said suspension shall be stayed, upon the condition that
17 BARCELON petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
18 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
19 monetary penalty of \$1,500.

20 a) Said payment shall be in the form of a cashier's check made payable to the
21 Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag
22 Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
23 Order.

24 b) No further cause for disciplinary action against the Real Estate licenses of
25 BARCELON occurs within two (2) years from the effective date of the decision in this matter.

26 c) If BARCELON fails to pay the monetary penalty as provided above prior to the
27 effective date of this Order, the stay of the suspension shall be vacated as to that BARCELON

1 and the order of suspension shall be immediately executed, under this Order, in which event the
2 said BARCELON shall not be entitled to any repayment nor credit, prorated or otherwise, for the
3 money paid to the Department under the terms of this Order.

4 d) If BARCELON pays the monetary penalty and any other moneys due under this
5 Stipulation and Agreement and if no further cause for disciplinary action against the real estate
6 license of said BARCELON occurs within two (2) years from the effective date of this Order, the
7 entire stay hereby granted this Order, as to said BARCELON only, shall become permanent.

8 2) Sixty (60) days of said suspension shall be stayed for two (2) years upon the
9 following terms and conditions:

10 a) BARCELON shall obey all laws, rules and regulations governing the rights, duties
11 and responsibilities of a real estate licensee in the State of California; and,

12 b) That no final subsequent determination be made, after hearing or upon stipulation,
13 that cause for disciplinary action occurred within two (2) years from the effective date of this
14 Order. Should such a determination be made, the Commissioner may, in his discretion, vacate
15 and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no
16 such determination be made, the stay imposed herein shall become permanent.

17 3) All licenses and licensing rights of BARCELON are indefinitely suspended unless
18 or until BARCELON provides proof satisfactory to the Commissioner, of having taken and
19 successfully completed the continuing education course on trust fund accounting and handling
20 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. Proof of
21 satisfaction of these requirements includes evidence that BARCELON has successfully
22 completed the trust fund account and handling continuing education courses, no earlier than 120
23 days prior to the effective date of the Decision and Order in this matter. Proof of completion of
24 the trust fund accounting and handling course must be delivered to the Department of Real
25 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at 916-263-
26 8758, prior to the effective date of this Decision and Order.

27 4) BARCELON shall, within six (6) months from the effective date of this Decision

1 and Order, take and pass the Professional Responsibility Examination administered by the
2 Department including the payment of the appropriate examination fee. If BARCELON fails to
3 satisfy this condition, BARCELON's real estate license shall automatically be suspended until
4 BARCELON passes the examination.

5 III

6 1) Pursuant to Section 10148 of the Code, BA and BARCELON shall jointly and
7 severally pay the sum of \$3,114.50 for the Commissioner's cost of the audit which led to this
8 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an
9 invoice therefore from the Commissioner. Payment of audit costs should not be made until
10 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
11 as provided for herein, Respondents' real estate license shall automatically be suspended until
12 payment is made in full, or until a decision providing otherwise is adopted following a hearing
13 held pursuant to this condition.

14 2) Pursuant to Section 10148 of the Code, Respondents shall pay the Commissioner's
15 reasonable cost, not to exceed \$3,893.12, for an audit to determine if Respondents have corrected
16 the violation(s) found in the Determination of Issues. In calculating the amount of the
17 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
18 for all persons performing audits of real estate brokers, and shall include an allocation for travel
19 time to and from the auditor's place of work. Respondents shall pay such cost within sixty (60)
20 days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should
21 not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition
22 in a timely manner as provided for herein, Respondents' real estate license shall automatically be
23 suspended until payment is made in full, or until a decision providing otherwise is adopted
24 following a hearing held pursuant to this condition.

25 IV

26 All licenses and licensing rights of GRECOUSIS, under the Real Estate Law are
27 revoked; provided, however, a restricted real estate salesperson license shall be issued to

1 GRECOUSIS, pursuant to Section 10156.5 of the Code, if GRECOUSIS makes application
2 therefore and pays to the Bureau of Real Estate the appropriate fee for the restricted license
3 within 90 days from the effective date of this Decision. The restricted license issued to
4 GRECOUSIS shall be subject to all of the provisions of Section 10156.7 of the Code and to the
5 following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of
6 the Code:

7 1. The restricted license issued to GRECOUSIS may be suspended prior to
8 hearing by Order of the Commissioner in the event of GRECOUSIS's conviction or plea of nolo
9 contendere to a crime which is substantially related to GRECOUSIS's fitness or capacity as a real
10 estate licensee.

11 2. The restricted license issued to GRECOUSIS may be suspended prior to
12 hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that
13 GRECOUSIS has violated provisions of the California Real Estate Law, the Subdivided Lands
14 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
15 license.

16 3. GRECOUSIS shall not be eligible to apply for the issuance of any
17 unrestricted real estate license nor the removal of any of the conditions, limitations, or
18 restrictions of a restricted until two (2) years have elapsed from the effective date of this Decision
19 and Order. GRECOUSIS shall not be eligible to apply for any unrestricted licenses until all
20 restrictions attaching to the license have been removed.

21 4. GRECOUSIS shall submit with any application for license under an
22 employing broker, or any application for transfer to a new employing broker, a statement signed
23 by the prospective employing real estate broker on a form approved by the Department which
24 shall certify:

25 (1) That the employing broker has read the Decision which is the basis
26 for the issuance of a restricted license; and

27 (2) That the employing broker will carefully review all transaction

1 documents prepared by the restricted licensee and otherwise exercise close supervision over the
2 licensee's performance of acts for which a license is required.

3 5. GRECOUSIS shall, within nine (9) months from the effective date of this
4 Order, present evidence satisfactory to the Commissioner that GRECOUSIS has, since the most
5 recent issuance of an original or renewal real estate license, taken and successfully completed the
6 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate license. If GRECOUSIS fails to satisfy this condition, GRECOUSIS's real estate
8 license shall automatically be suspended until GRECOUSIS presents evidence satisfactory to the
9 Commissioner of having taken and successfully completed the continuing education
10 requirements. Proof of completion of the continuing education courses must be delivered to the
11 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.

12
13
14 3/2/20
15 DATED _____

16 Richard Uno
17 RICHARD UNO
18 Counsel for Complainant

19 * * *

20 I have read the Stipulation and Agreement, discussed it with my counsel, and its
21 terms are understood by me and are agreeable and acceptable to me. I understand that I am
22 waiving rights given to me by the California Administrative Procedure Act, and I willingly,
23 intelligently and voluntarily waive those rights, including the right of requiring the
24 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
25 right to cross-examine witnesses against me and to present evidence in defense and mitigation of
26 the charges.


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Respondents further agree 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*. Respondents understand and agree that if they fail to return the original signed Stipulation by the due date, Complainant retains the right to set this matter for hearing.

3/2/20
DATED


TED MERLE BARCELON, JR., of behalf
of BARCELON ASSOCIATES, INC.
Respondent

3/2/20
DATED


TED MERLE BARCELON
Respondent

3.2.20
DATED


STEFANIE GRECOUSIS
Respondent

The foregoing Stipulation and Agreement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on JUL 02 2021.

IT IS SO ORDERED CG 3.21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

