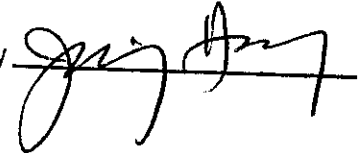


1 MARY E. WORK, Counsel
2 SBN 175887
3 Department of Real Estate
4 320 W. 4th Street, Suite 350
5 Los Angeles, CA 90013-1105

6 Telephone: (213) 576-6982
7 (213) 576-6916 (Direct)

FILED
JUN 12 2001
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 VIRGINIA CLANTON BOGGS,) NO. H-28964 LA
13 Respondent.) STIPULATION AND AGREEMENT
14 _____)

15 It is hereby stipulated by and between VIRGINIA CLANTON
16 BOGGS (hereinafter referred to as "Respondent") and her attorney
17 of record Lawrence H. Lackman and the Complainant, acting by and
18 through Mary E. Work, Counsel for the Department of Real Estate,
19 as follows for the purpose of settling and disposing of the
20 Accusation filed on February 15, 2001, in this matter:

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



1 2. Respondent has received, read and understands the
2 Statement to Respondent, the Discovery Provisions of the APA and
3 the Accusation filed by the Department of Real Estate in this
4 proceeding.

5 3. On February 27, 2001, Respondent filed a Notice of
6 Defense pursuant to Section 11506 of the Government Code for the
7 purpose of requesting a hearing on the allegations in the
8 Accusation. Respondent hereby freely and voluntarily withdraws
9 said Notice of Defense. Respondent acknowledges that she
10 understands that by withdrawing said Notice of Defense she will
11 thereby waive her right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in
13 accordance with the provisions of the APA and that she will waive
14 other rights afforded to her in connection with the hearing such
15 as the right to present evidence in defense of the allegations in
16 the Accusation and the right to cross-examine witnesses.

17 4. This Stipulation and Agreement (hereinafter
18 "Stipulation") is based on the factual allegations contained in
19 the Accusation filed in this proceeding. In the interest of
20 expedience and economy, Respondent chooses not to contest these
21 factual allegations, but to remain silent and understands that,
22 as a result thereof, these factual statements, without being
23 admitted or denied, will serve as a prima facie basis for the
24 disciplinary action stipulated to herein. This Stipulation and
25 Respondent's decision not to contest the Accusation are hereby
26 expressly limited to this proceeding and made for the sole
27 purpose of reaching an agreed disposition of this proceeding.
Respondent's decision not to contest the factual allegations is



1 made solely for the purpose of effectuating this Stipulation and
2 is intended by Respondent to be non-binding upon any actions
3 against Respondent by third parties. The Real Estate
4 Commissioner shall not be required to provide further evidence to
5 prove such allegations.

6 5. This Stipulation and any Order made pursuant to the
7 Stipulation shall have no collateral estoppel or res judicata
8 effect in any proceedings in which Respondent and the Department
9 (or the Department's representative) are not parties. The
10 Stipulation is made by Respondent and received by the
11 Commissioner and the Department, with the express understanding
12 and agreement that it is for the purpose of settling these
13 proceedings only, and that this Stipulation is not intended as,
14 and shall not be deemed, used, or accepted as an acknowledgment
15 or admission of fact in any other judicial, administrative, or
16 other proceeding to which the Department is not a party.

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

27 ////

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DETERMINATION OF ISSUES

1
2 By reason of the foregoing stipulations, admissions and
3 waivers and solely for the purpose of settlement of the pending
4 Accusation without a hearing, it is stipulated and agreed that
5 the following determination of issues shall be made:

6 The conduct, acts and/or omissions of Respondent,
7 VIRGINIA CLANTON BOGGS, as set forth in the Accusation,
8 constitute cause to suspend or revoke the real estate license and
9 license rights of Respondent VIRGINIA CLANTON BOGGS, under the
10 provisions of the Business and Professions Code (hereinafter
11 "Code") 10177(d) for violation of Code Section 10145 and Sections
12 2831 and 2831.1 of Title 10, Chapter 6, California Code of
13 Regulations.

ORDER

14 WHEREFORE, THE FOLLOWING ORDER is made:

15 All licenses and licensing rights of Respondent
16 VIRGINIA CLANTON BOGGS, under the Real Estate Law, are suspended
17 for a period of ninety (90) days from the effective date of the
18 Decision; provided, however, that if Respondent petitions, forty-
19 five (45) days of that period of suspension shall be stayed upon
20 condition that:

21 1. Respondent pays a monetary penalty pursuant to
22 Section 10175.2 of the Business and Professions Code of three
23 thousand dollars (\$3,000.)

24 2. Said payment shall be in the form of a cashier's
25 check or certified check made payable to the Recovery Account of
26 the Real Estate Fund. Said check must be delivered to the
27 Department prior to the effective date of the Decision in this

matter.

1
2 3. No further cause for disciplinary action against
3 the real estate license of Respondent occurs within two (2) years
4 from the effective date of the Decision in this matter.

5 4. If respondent fails to pay the monetary penalty in
6 accordance with the terms and conditions of the Decision, the
7 Commissioner may, without a hearing, order the immediate
8 execution of all or part of the stayed suspension in which event
9 Respondent shall not be entitled to any repayment nor credit,
10 prorated or otherwise, for money paid to the Department under
11 terms of this Decision.

12 5. If Respondent pays the monetary penalty and if no
13 further cause for disciplinary action against the real estate
14 license of Respondent occurs within two (2) years from the
15 effective date of the Decision, the stay hereby granted shall
16 become permanent.

17 6. The remaining forty-five (45) days of said ninety
18 (90) day suspension is stayed for two (2) years upon the
19 following terms and conditions:

20 (a) Respondent shall obey all laws, rules and
21 regulations governing the rights, duties and responsibilities of
22 a real estate licensee in the State of California; and

23 (b) Respondent (1) pays the monetary penalty and that
24 (2) no final determination be made, after hearing or upon
25 stipulation, that cause for disciplinary action occurred within
26 two (2) years of the effective date of this Decision. Should
27 such determination be made, the Commissioner may, in her
discretion, vacate and set aside the stay order and reimpose all



1 or a portion of the stayed suspension. Should no such
2 determination be made, the stay imposed herein shall become
3 permanent.

4 7. Respondent shall within six (6) months from the
5 effective date of this Order, take and pass the Professional
6 Responsibility Examination administered by the Department
7 including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, the Commissioner may
9 order suspension of Respondent's license until Respondent passes
10 the examination.

11 8. Pursuant to Section 10148 of the Business and
12 Professions Code, Respondent shall pay the Commissioner's
13 reasonable cost for the subject Audit and the Follow-up Audit.
14 The Follow-up Audit is to determine if Respondent has corrected
15 the trust fund violations found in paragraph VII of the
16 Accusation. In calculating the amount of the Commissioner's
17 reasonable cost, the Commissioner may use the estimated average
18 hourly salary for all persons performing audits of real estate
19 brokers, and shall include allocation for travel costs, including
20 mileage, time to and from the auditor's place of work and per
21 diem. Respondent shall pay such cost within 45 days of receiving
22 an invoice from the Commissioner detailing the activities
23 performed during the audit and the amount of time spent
24 performing those activities. The Commissioner may, in her
25 discretion, vacate and set aside the stay order, if payment has
26 not been made as provided for herein, or as provided for in
27 subsequent agreement between the Respondent and the Commissioner.
The vacation and set aside of the stay shall remain in effect



1 until payment is made in full, or until Respondent enters into an
2 agreement satisfactory to the Commissioner to provide for
3 payment. Should no order vacating this stay be issued, either in
4 accordance with this condition "8", or other conditions contained
5 herein, the stay imposed herein shall become permanent.

6
7 DATED: _____

5-9-01


8 MARY E. WORK, Counsel for the
9 Department of Real Estate

* * *

10 I have read the Stipulation and Agreement, and its
11 terms are understood by me and are agreeable and acceptable to
12 me. I understand that I am waiving rights given to me by the
13 California Administrative Procedure Act (including but not
14 limited to Sections 11506, 11508, 11509 and 11513 of the
15 Government Code), and I willingly, intelligently and voluntarily
16 waive those rights, including the right of requiring the
17 Commissioner to prove the allegations in the Accusation at a
18 hearing at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and
20 mitigation of the charges.

21 Respondent can signify acceptance and approval of the
22 terms and conditions of this Stipulation and Agreement by faxing
23 a copy of the signature page, as actually signed by Respondent,
24 to the Department at the following telephone/fax number: (213)
25 576-6917. Respondent agrees, acknowledges and understands that by
26 electronically sending to the Department a fax copy of his or her
27 actual signature as it appears on the Stipulation and Agreement,
that receipt of the faxed copy by the Department shall be as



1 binding on Respondent as if the Department had received the
2 original signed Stipulation and Agreement.

3 DATED: May 8, 2001

Virginia Clanton Boggs
4 VIRGINIA CLANTON BOGGS,
5 Respondent

6 DATED: May 8, 2001

L.H. Lackman
7 LAWRENCE H. LACKMAN, Esq.,
8 Attorney for Respondent
9 Approved as to form and content

* * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision as to Respondent VIRGINIA CLANTON BOGGS
12 and shall become effective at 12 o'clock noon on
13 July 2, 2001.

14 IT IS SO ORDERED

June 5, 2001.

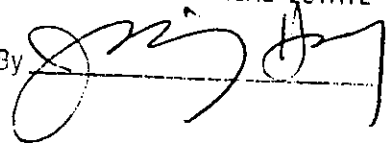
15 PAULA REDDISH ZINNEMAN
16 Real Estate Commissioner

17 Paula Reddish
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SALVO

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FILED
FEB 15 2001
DEPARTMENT OF REAL ESTATE
By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-28964 LA
12 VIRGINIA CLANTON BOGGS,) ACCUSATION
13)
14 Respondent.)

15 The Complainant, Daniel M. Hatt, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against VIRGINIA CLANTON BOGGS, doing business as "Boggs Realty
18 Company," individually, is informed and alleges as follows:

19 I

20 The Complainant, Daniel M. Hatt, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 II

24 VIRGINIA CLANTON BOGGS (hereinafter "Respondent") is
25 presently licensed and/or has license rights under the Real Estate
26 Law, Part 1 of Division 4 of the Business and Professions Code
27 (hereinafter "Code").

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III

At all times mentioned herein, Respondent was licensed by the Department of Real Estate of the State of California as a real estate broker, acting for compensation and in expectation of compensation, and performing acts for which a real estate license is required.

IV

At all times material herein, Respondent engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Sections 10131(a) and 10131(b) of the Code, including the operation and conduct of real estate sales and property management with the public wherein Respondent, among other acts, solicited prospective tenants, negotiated rental agreements for and collected rents from real properties owned by another or others, for or in expectation of compensation.

V

In connection with the activities described in Paragraph IV, above, Respondent accepted or received funds in trust (hereinafter "trust funds") from or on behalf of property owners and tenants and thereafter made deposits and or disbursements of such funds. From time to time herein mentioned, said trust funds were deposited and/or maintained by Respondent, in bank accounts, including but not necessarily limited to, Account No. 05061350, known as "Boggs Realty Co. Trust Account" (hereinafter "Trust Account No. 1"); Account No. 05051916 known as "Altra Apartment"

1 (hereinafter "Trust Account No. 2"); and Account No. 05051908,
2 known as "Bahia Apartment" (hereinafter "Trust Account No. 3") all
3 held at Farmers & Merchants Bank, 3290 East Artesia Boulevard,
4 Long Beach, California 90805.

5 VI

6 On or about January 5, 2001, the Department completed an
7 examination of the books and records of Respondent, pertaining to
8 the real estate and trust fund handling activities described in
9 Paragraphs IV and V, above, covering a period from approximately
10 November 1, 1999 through October 31, 2000, which examination
11 revealed violations of the Code and of Title 10, Chapter 6,
12 California Code of Regulations (hereinafter "Regulations") as set
13 forth below.

14 VII

15 In the course of activities described in Paragraphs IV
16 and V, above, and during the examination period described in
17 Paragraph VI, Respondent acted in violation of the Code and the
18 Regulations in that:

19 (a) As of October 31, 2000, Trust Account No. 1 had a
20 shortage in the amount of approximately \$38,431.36. As of
21 January 31, 2000, Trust Account No. 1 had a shortage of
22 \$45,108.63. Respondent caused, permitted and/or allowed, the
23 withdrawal or disbursement of trust funds from this account,
24 without the prior written consent of every principal who then was
25 an owner of funds in the account, thereby reducing the balance of
26 funds in the said account to an amount less than the existing
27 aggregate trust fund liability of the broker to all owners of said



1 trust funds, in violation of Code Section 10145 and Regulation
2 2832.1;

3 (b) Respondent failed to maintain complete records of
4 receipts and disbursements for Trust Account No. 1, in violation
5 of Section 10145 of the Code and Regulation 2831;

6 (c) Respondent failed to maintain complete separate
7 beneficiary and transaction records for Trust Accounts in
8 violation of Section 10145 of the Code and Regulation 2831.1;

9 (d) Respondent allowed an unauthorized signatories on
10 Trust Accounts No. 2 and No. 3, in violation of Section 10145 of
11 the Code and Regulation 2834;

12 (e) Respondent, failed to hold Trust Accounts No. 2 and
13 No. 3 in the name of broker as trustee and failed to designate the
14 accounts as trust accounts, in violation of Section 10145 of the
15 Code and Regulation 2832;

16 VIII

17 The conduct, acts and omissions of Respondent as
18 described in Paragraph VII, above, are in violation of Regulations
19 2831, 2831.1, 2832, 2832.1 and 2834 and Sections 10145 of the Code
20 and constitute cause under Sections 10177(d) and/or 10177(g) of
21 the Code for the suspension or revocation of all real estate
22 licenses and license rights of Respondent under the Real Estate
23 Law.

24 ///

25 ///

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27 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and, that upon
3 proof thereof, a decision be rendered imposing disciplinary action
4 against all licenses and license rights of Respondent VIRGINIA
5 CLANTON BOGGS, under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provision of law.
8 Dated at Los Angeles, California
9 this 15th day of February, 2001.

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Deputy Real Estate Commissioner

cc: Virginia Clanton Boggs
Daniel Hatt
Sacto