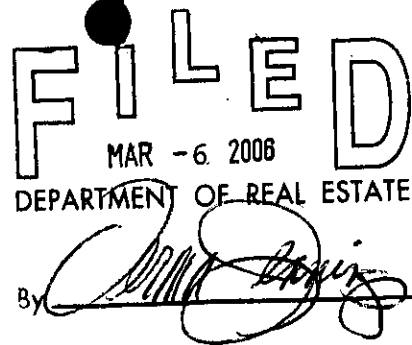


1 Department of Real Estate
2 320 W. 4th St., Room 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982



5
6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of	)	No. H-30413 LA
	)	L-2003 120 509
12 ROBERT SIMMONDS COFFEY,	)	STIPULATION
	)	AND
13	)	AGREEMENT
14 Respondent.	)	
15	)	

16 It is hereby stipulated by and between ROBERT SIMMONDS
17 COFFEY (sometimes referred to as Respondent), and the
18 Complainant, acting by and through James R. Peel, Counsel for
19 the Department of Real Estate, as follows for the purpose of
20 settling and disposing of the Accusation filed on October 28,
21 2003, in this matter.

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

1 thereof be submitted solely on the basis of the provisions of
2 this Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the
5 Administrative Procedure Act ("APA") and the Accusation filed by
6 the Department of Real Estate in this proceeding.

7 3. On December 3, 2003, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense he will
13 thereby waive his right to require the Commissioner to prove the
14 allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA and that he will waive
16 other rights afforded to him in connection with the hearing,
17 such as the right to present evidence in defense of the
18 allegations in the Accusation and the right to cross-examine
19 witnesses.

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation filed in this
22 proceeding. In the interest of expedience and economy,
23 Respondent chooses not to contest these factual allegations, but
24 to remain silent and understands that, as a result thereof,
25 these factual statements, will serve as a prima facie basis for
26 the disciplinary action stipulated to herein. The Real Estate
27

1 Commissioner shall not be required to provide further evidence
2 to prove such allegations.

3 5. This Stipulation and Respondent's decision not to
4 contest the Accusation is made for the purpose of reaching an
5 agreed disposition of this proceeding and is expressly limited
6 to this proceeding and any other proceeding or case in which the
7 Department of Real Estate ("Department"), the state or federal
8 government, or an agency of this state, another state or the
9 federal government is involved.

10 6. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation as his decision
12 in this matter thereby imposing the penalty and sanctions on
13 Respondent's real estate licenses and license rights as set
14 forth in the below "Order". In the event that the Commissioner
15 in his discretion does not adopt the Stipulation, the
16 Stipulation shall be void and of no effect, and Respondent shall
17 retain the right to a hearing on the Accusation under all the
18 provisions of the APA and shall not be bound by any stipulation
19 or waiver made herein.
20

21 7. The Order or any subsequent Order of the Real
22 Estate Commissioner made pursuant to this Stipulation shall not
23 constitute an estoppel, merger or bar to any further
24 administrative or civil proceedings by the Department of Real
25 Estate with respect to any conduct which was not specifically
26 alleged to be causes for accusation in this proceeding.
27

1
2 DETERMINATION OF ISSUES

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

7 The conduct, acts and/or omissions of Respondent
8 ROBERT SIMMONDS COFFEY, as set forth in the Accusation,
9 constitute cause for the suspension or revocation of all of the
10 real estate licenses and license rights of Respondent under the
11 provisions of Section 10177(d) of the Business and Professions
12 Code ("Code") for violation of Code Section 10130.

13 ORDER

14 All licenses and licensing rights of Respondent ROBERT
15 SIMMONDS COFFEY under the Real Estate Law are suspended for a
16 period of forty five (45) days from the effective date of this
17 Decision.

18
19
20
21 DATED: Jan. 10, 2006

James R. Peel
JAMES R. PEEL, Counsel for the
Department of Real Estate

22
23 ///

24 ///

25 ///

1 * * *

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

13 Respondent can signify acceptance and approval of the
14 terms and conditions of this Stipulation and Agreement by faxing
15 a copy of the signature page, as actually signed by Respondent,
16 to the Department at the following telephone/fax number:
17 (213) 576-6917. Respondent agrees, acknowledges and understands
18 that by electronically sending to the Department a fax copy of
19 his or her actual signature as it appears on the Stipulation and
20 Agreement, that receipt of the faxed copy by the Department
21 shall be as binding on Respondent as if the Department had
22 received the original signed Stipulation and Agreement.

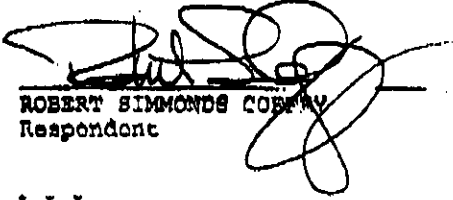
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1 Further, if the Respondent is represented, the
2 Respondent's counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.

5
6 DATED: 1/4/05


7 ROBERT SIMMONDS COBBIN
8 Respondent

9 * * *

10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and Order in this matter, and shall
12 become effective at 12 o'clock noon on _____.

13 IT IS SO ORDERED _____

14 JEFF DAVI
15 Real Estate Commissioner
16
17
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1 Further, if the Respondent is represented, the
2 Respondent's counsel can signify his or her agreement to the
3 terms and conditions of the Stipulation and Agreement by
4 submitting that signature via fax.
5

6 DATED: _____

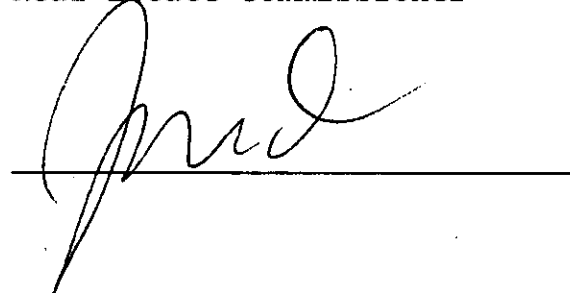
ROBERT SIMMONDS COFFEY
Respondent

8 * * *

9
10 The foregoing Stipulation and Agreement is hereby
11 adopted as my Decision and Order in this matter, and shall
12 become effective at 12 o'clock noon on March 27, 2006.

13 IT IS SO ORDERED 1-20-06

14 JEFF DAVI
15 Real Estate Commissioner
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5/10/05
Hag

FILED
AUG 16 2005
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Accusation of	)	No. H-30413 LA
	)	L-2003120509
ROBERT SIMMONDS COFFEY,	)	
	)	
	)	
Respondent.	)	

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT
AND REMANDING CASE TO
ADMINISTRATIVE LAW JUDGE FOR HEARING

On May 25, 2005, a Default Order was filed. On June 2, 2005, a Decision was rendered revoking the real estate broker license of Respondent, ROBERT SIMMONDS COFFEY, effective July 18, 2005. Thereafter, an Order Staying Effective Date of the Decision was granted on July 18, 2005, which stayed the effective date of the Decision to August 17, 2005.

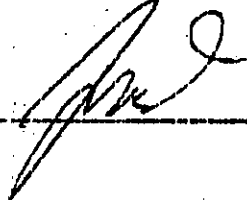
On July 13, 2005, good cause was presented to set aside the Default Order of May 25, 2005, and to vacate the Decision of June 2, 2005, and to have the matter remanded to the Office of Administrative Hearings as a contested matter.

1 NOW, THEREFORE, IT IS ORDERED that the Default Order of
2 May 25, 2005, is set aside and the Decision of June 2, 2005, is
3 vacated and that the Matter of the Accusation filed on
4 October 28, 2003, be remanded to the Office of Administrative
5 Hearings.

6 This Order shall be effective immediately.

7 DATED: 8-16-05

8 JEFF DAVI
9 Real Estate Commissioner

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5/20/05

FILED
JUL 18 2005
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	No. H-30413 LA
	)	L-2003120509
ROBERT SIMMONDS COFFEY,	)	
	)	
Respondent.	)	

ORDER STAYING EFFECTIVE DATE

On June 2, 2005, a Decision was rendered in the above-entitled matter to become effective July 18, 2005.

IT IS HEREBY ORDERED that the effective date of the Decision of June 2, 2005, is stayed for a period of 30 days.

The Decision of June 2, 2005, shall become effective at 12 o'clock noon on August 17, 2005.

DATED: July 18, 2005

JEFF DAVI
Real Estate Commissioner

By: Dolores Weeks
DOLORES WEEKS
Regional Manager

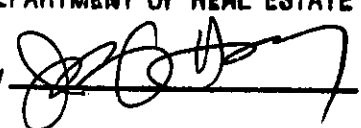
BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

FILED
JUN 28 2005

DEPARTMENT OF REAL ESTATE

By 

In the Matter of the Accusation of)

ROBERT SIMMONDS COFFEY,)

Respondent.)
_____)

No. H-30413 LA

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 25, 2005, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

I

On October 23, 2003, Janice Waddell made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

ROBERT SIMMONDS COFFEY ("Respondent"), having failed to appear at the hearing in this matter, is now in default.

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "Code") as a real estate broker.

III

At all times herein mentioned, Respondent was licensed by the Department of Real Estate of the State of California as a real estate from June 28, 1985 to June 27, 2001 when the license expired. On December 7, 2001 the license was renewed and will expire December 6, 2005.

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 Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein Respondent on behalf of others, in expectation of compensation, solicited owners and renters, and collected rents from real properties, including 871 Palmer, Camarillo, owned by Stephen L. Heiter, and 232 Green Heath, Thousand Oaks, owned by Sara Luckerman.

V

Respondent violated Section 10130 of the Code in that during the time his license was expired June 28, 2001 through December 6, 2001, Respondent engaged in activities requiring a real estate license. These activities are described in Paragraph IV above.

DETERMINATION OF ISSUES

I

The conduct of Respondent, as found above, was in violation of Section 10130 and subjects his real estate licenses and license rights to suspension or revocation pursuant to Sections 10177(j) and 10177(d) of the Code.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

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//

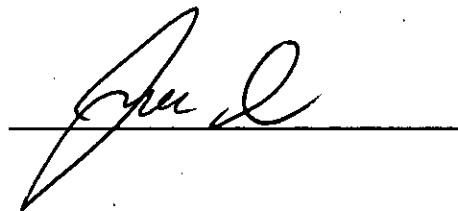
ORDER

The licenses and license rights of Respondent ROBERT
SIMMONDS COFFEY, under the provisions of Part I of Division 4 of
the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock
noon July 18, 2005.

DATED: 8-2-05

JEFF DAVI
Real Estate Commissioner

A handwritten signature in dark ink, appearing to read "Jeff Davi", is written over a horizontal line.

FILED
MAY 25 2005

DEPARTMENT OF REAL ESTATE

By [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of) NO. H-30413 LA
ROBERT SIMMONDS COFFEY,) DEFAULT ORDER
Respondent.)

Respondent ROBERT SIMMONDS COFFEY, filed a Notice of Defense within the time required by Section 11506 of the Government Code. A hearing was set for July 6, 2004. Respondent was duly notified of the hearing but failed to appear. Respondent is now in default. It is therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED May 25, 2005.

JEFF DAVI
Real Estate Commissioner

By:

[Signature]
DOLORES WEEKS
Regional Manager

Handwritten initials/signature in top left corner.

FILED
JAN 21 2004
DEPARTMENT OF REAL ESTATE
By 

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation of

ROBERT SIMMONDS COFFEY

} (Large bracket grouping the respondent name and case numbers)

Case No. H-30413 LA

OAH No. L-2003120509

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California**, on **July 6, 2004**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

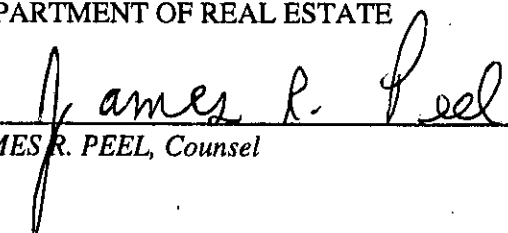
You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: January 21, 2004

DEPARTMENT OF REAL ESTATE

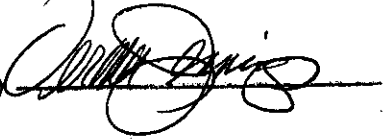
By 
JAMES R. PEEL, Counsel

cc: Robert S. Coffey
Sacto.
OAH

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Suite 350
4 Los Angeles, CA 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
OCT 28 2003
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-30413 LA

12)
13 ROBERT SIMMONDS COFFEY,

A C C U S A T I O N

14)
15 Respondent.)

16 The Complainant, Janice A. Waddell, a Deputy Real
17 Estate Commissioner of the State of California, for cause of
18 Accusation against ROBERT SIMMONDS COFFEY, alleges as follows:

19 I

20 The Complainant, Janice A. Waddell, acting in her
21 official capacity as a Deputy Real Estate Commissioner of the
22 State of California, makes this Accusation against ROBERT
23 SIMMONDS COFFEY.

24 ///

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26 ///

27 ///

1 II

2 ROBERT SIMMONDS COFFEY (hereinafter referred to as
3 "Respondent") is presently licensed and/or has license rights
4 under the Real Estate Law (Part 1 of Division 4 of the Business
5 and Professions Code) (hereinafter Code).

6 III

7 Respondent was licensed by the Department of Real
8 Estate of the State of California as a real estate broker from
9 June 28, 1985 to June 27, 2001 when the license expired. On
10 December 7, 2001, the license was renewed and will expire
11 December 6, 2005.

12 IV

13 At all times material herein, Respondent engaged in the
14 business of, acted in the capacity of, advertised or assumed to
15 act as a real estate broker in the State of California, within
16 the meaning of Section 10131(b) of the Code, including the
17 operation and conduct of a property management business with the
18 public wherein Respondent on behalf of others, in expectation of
19 compensation, solicited owners and renters, and collected rents
20 from real properties, including 871 Palmer, Camarillo, owned by
21 Stephen L. Heiter, and 232 Green Heath, Thousand Oaks, owned by
22 Sara Luckerman.

23 V

24 Respondent violated Section 10130 of the Code in that
25 during the time his license was expired June 28, 2001 through
26 December 6, 2001, Respondent engaged in activities requiring a
27

1 real estate license. These activities are described in Paragraph
2 IV above.

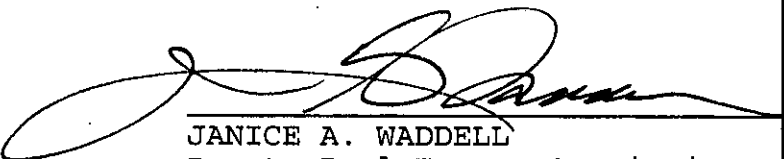
3 VI

4 The conduct of Respondent, as alleged above, was in
5 violation of Section 10130 and subjects his real estate licenses
6 and license rights to suspension or revocation pursuant to
7 Sections 10177(j) and/or 10177(d) of the Code.

8
9 WHEREFORE, Complainant prays that a hearing be
10 conducted on the allegations of this Accusation and that upon
11 proof thereof, a decision be rendered imposing disciplinary
12 action against all licenses and license rights of Respondent
13 ROBERT SIMMONDS COFFEY under the Real Estate Law (Part 1 of
14 Division 4 of the Business and Professions Code) and for such
15 other and further relief as may be proper under other applicable
16 provisions of law.

17 Dated at Los Angeles, California

18 this 23rd day of October, 2003

19
20
21 
22 JANICE A. WADDELL
23 Deputy Real Estate Commissioner
24

25 cc: Robert Simmonds Coffey
26 Janice A. Waddell
27 Sacto.
AK