

1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

4 (213) 576-6982
5 (213) 576-6907

FILED
OCT 13 2004
DEPARTMENT OF REAL ESTATE

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12) DRE No. H-30916 LA
13 PEGGY YVONNE HARKER,) OAH No. L-2004060378
14) STIPULATION AND AGREEMENT
15)
16 Respondent.)

17 It is hereby stipulated by and between PEGGY YVONNE
18 HARKER, Respondent, representing herself in this matter, and
19 the Complainant, acting by and through Martha J. Rosett,
20 Counsel for the Department of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 May 17, 2004 in this matter:

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

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

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

7 3. On May 26, 2004, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for
9 the purpose of requesting a hearing on the allegations in the
10 Accusation. In order to effectuate this settlement, Respondent
11 hereby freely and voluntarily withdraws said Notice of Defense.
12 Respondent acknowledges that she understands that by
13 withdrawing said Notice of Defense, she will thereby waive her
14 right to require the Commissioner to prove the allegations in
15 the Accusation at a contested hearing held in accordance with
16 the provisions of the APA and that she will waive other rights
17 afforded to her in connection with the hearing such as the
18 right to present evidence in defense of the allegations in the
19 Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, although not admitting or denying the truth of the
22 allegations, will not contest the factual allegations contained
23 in the Accusation filed in this proceeding and the Real Estate
24 Commissioner shall not be required to provide further evidence
25 of such allegations.

26 5. It is understood by the parties that the Real
27 Estate Commissioner may adopt the Stipulation and Agreement as

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

10 6. The Order or any subsequent Order of the Real
11 Estate Commissioner made pursuant to this Stipulation and
12 Agreement shall not constitute an estoppel, merger or bar to
13 any further administrative proceedings by the Department of
14 Real Estate with respect to any matters which were not
15 specifically alleged to be causes for accusation in this
16 proceeding.

17 7. The admissions herein, and Respondent's decision
18 not to contest the Accusation, are made solely for the purpose
19 of reaching an agreed disposition of this proceeding and are
20 expressly limited to this proceeding, and any other proceeding
21 or case in which the Department of Real Estate or another
22 licensing agency of this state, another state, or if the
23 federal government is involved, and otherwise shall not be
24 admissible in any other criminal or civil proceedings.

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

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

9 3. Respondent shall not be eligible to apply for the
10 issuance of an unrestricted real estate license nor for the
11 removal of any of the conditions, limitations or restrictions
12 of a restricted license until two (2) years have elapsed from
13 the effective date of this Decision.

14 4. Respondent shall submit with any application for
15 license under an employing broker, or any application for
16 transfer to a new employing broker, a statement signed by the
17 prospective employing real estate broker on a form approved by
18 the Department of Real Estate which shall certify:

19 (a) That the employing broker has read the Decision
20 of the Commissioner which granted the right to a
21 restricted license; and

22 (b) That the employing broker will exercise close
23 supervision over the performance by the restricted
24 licensee relating to the activities for which a real
25 estate license is required.

26 5. Respondent shall, within nine months from the
27 effective date of this Decision, present evidence satisfactory

1 to the Real Estate Commissioner that Respondent has, since the
2 most recent issuance of an original or renewal real estate
3 license, taken and successfully completed the continuing
4 education requirements of Article 2.5 of Chapter 3 of the Real
5 Estate Law for renewal of a real estate license. If Respondent
6 fails to satisfy this condition, the Commissioner may order the
7 suspension of the restricted license until the Respondent
8 presents such evidence. The Commissioner shall afford
9 Respondent the opportunity for a hearing pursuant to the
10 Administrative Procedure Act to present such evidence.

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DATED: 9/23/04


MARTHA J. ROSETT
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, 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 California Administrative Procedure Act (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.

1 Respondent may signify acceptance and approval of the
2 terms and conditions of this Stipulation and Agreement by faxing
3 a copy of its signature page, as actually signed by Respondent,
4 to the Department at the following fax number (213) 576-6917.
5 Respondent agrees, acknowledges and understands that by
6 electronically sending to the Department a fax copy of her actual
7 signature as it appears on the Stipulation, that receipt of the
8 faxed copy by the Department shall be as binding on Respondent as
9 if the Department had received the original signed Stipulation
10 and Agreement.

11 DATED: 9/9/04

Peggy Yvonne Harker
PEGGY YVONNE HARKER
Respondent

15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision in this matter and shall become
18 effective at 12 o'clock noon on _____.

19 IT IS SO ORDERED _____.

20 JOHN R. LIBERATOR
21 Acting Real Estate Commissioner

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Respondent may signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of her actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: _____

PEGGY YVONNE HARKER
Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on November 2, 2004.

IT IS SO ORDERED Oct. 6, 2004

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 PEGGY YVONNE HARKER,)
)
 _____)
 Respondent (s)

Case No. H-30916 LA
OAH No. L-2004060378

FILED
JUL - 1 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on TUESDAY, SEPTEMBER 14, 2004, at the hour of 11:00 A.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.

DEPARTMENT OF REAL ESTATE

Dated: July 1, 2004

By 
MARTHA J. ROSETT, Counsel

cc: Peggy Yvonne Harker
The Richard Thomas Companies, Inc.
Sacto.
OAH

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

4 (213) 576-6982
5 (213) 576-6914

FILED
MAY 17 2004
DEPARTMENT OF REAL ESTATE



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) No. H-30916 LA
12)
13 PEGGY YVONNE HARKER,) A C C U S A T I O N
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against PEGGY YVONNE HARKER (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 1.

21 The Complainant, Maria Suarez, a Deputy Real Estate
22 Commissioner of the State of California, makes this Accusation in
23 her official capacity.

24 2.

25 At all times herein mentioned, Respondent was and still
26 is licensed and/or has license rights under the Real Estate Law
27 (Part 1 of Division 4 of the Business and Professions Code). At

1 all times mentioned herein, Respondent was licensed as a real
2 estate salesperson. Respondent was first licensed by the
3 Department on or about February 10, 1990.

4 3.

5 On or about January 16, 2002, in the Superior Court of
6 California, County of Orange, Harbor Justice Center, Newport
7 Beach Facility, in Case No. 01HM09912, Respondent was convicted
8 of violating Penal Code Section 484(a)-488 (petty theft), a crime
9 of moral turpitude which is substantially related to the
10 qualifications, functions and duties of a real estate licensee.
11 Respondent was sentenced to informal probation for two years, the
12 terms of which included payment of fines of \$405.00.

13 4.

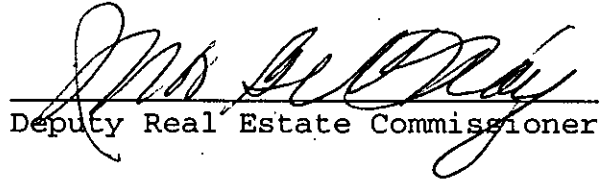
14 Respondent's conviction, as set forth in Paragraph 3
15 above, constitutes grounds for the revocation or suspension of
16 Respondent's license pursuant to Business and Professions Code
17 Sections 490 and 10177(b).

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1 WHEREFORE, the 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
4 action against all licenses and/or license rights of Respondent
5 PEGGY YVONNE HARKER under the Real Estate Law and for such other
6 and further relief as may be proper under applicable provisions
7 of law.

8 Dated at Los Angeles, California

9 this 2nd day of May, 2004.

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12 Deputy Real Estate Commissioner
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24 cc: Peggy Yvonne Harker
25 The Richard Thomas Companies/Richard P. Archbold
26 Sacto.
27 Maria Suarez
CW