

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 -or- (213) 576-6910 (Direct)

FILED
OCT - 1 2004
DEPARTMENT OF REAL ESTATE

By Laura B. Stone

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-31061 LA
12 CHRISTOPHER MICHAEL BARNETT,)
13 Respondent.) STIPULATION AND AGREEMENT

14
15 It is hereby stipulated by and between CHRISTOPHER
16 MICHAEL BARNETT, (hereinafter "Respondent"), representing
17 himself, and the Complainant, acting by and through Chris Leong,
18 Counsel for the Department of Real Estate, as follows for the
19 purpose of settling and disposing of the Accusation filed on
20 July 14, 2004.

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, shall instead and in place thereof be submitted
26 solely on the basis of the provisions of this Stipulation and
27 Agreement ("Stipulation").

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

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

18 4. Respondent, pursuant to the limitations set forth
19 below, hereby admits that the factual allegations in Paragraphs I
20 through IV of the Accusation, filed in this proceeding are true
21 and correct and the Real Estate Commissioner shall not be
22 required to provide further evidence to prove such allegations.

23 5. It is understood by the parties that the Real
24 Estate Commissioner may adopt the Stipulation as his Decision in
25 this matter, thereby imposing the penalty and sanctions on
26 Respondent's real estate license and license rights as set forth
27 in the "Order" below. In the event that the Commissioner in his

1 discretion does not adopt the Stipulation, it shall be void and
2 of no effect, and Respondent shall retain the right to a hearing
3 and proceeding on the Accusation under all the provisions of the
4 Administrative Procedure Act and shall not be bound by any
5 admission or waiver made herein.

6 6. The admissions herein, and Respondent's decision
7 not to contest the Accusation, are made solely for the purpose of
8 reaching an agreed disposition of this proceeding and are
9 expressly limited to this proceeding and any other proceeding or
10 case in which the Department of Real Estate or another licensing
11 agency of this state, another state or if the federal government
12 is involved, and otherwise shall not be admissible in any other
13 criminal or civil proceedings.

14 DETERMINATION OF ISSUES

15 By reason of the foregoing stipulations, admissions and
16 waivers and solely for the purpose of settlement of the pending
17 Accusation without a hearing, it is stipulated and agreed that
18 the following Determination of Issues shall be made:

19 The acts and omissions of Respondent, described in
20 Paragraphs I through IV of the Accusation, are cause for the
21 suspension or revocation of all real estate licenses and license
22 rights of Respondent under the provisions of Sections 10177(b)
23 and 490 of the Business and Professions Code.

24 ORDER

25 WHEREFORE, THE FOLLOWING ORDER is hereby made:

26 All licenses and licensing rights of Respondent
27 CHRISTOPHER MICHAEL BARNETT, under the Real Estate Law are

1 revoked; provided, however, a restricted real estate salesperson
2 license shall be issued to Respondent pursuant to Section 10156.5
3 of the Business and Professions Code if Respondent makes
4 application therefor and pays to the Department of Real Estate
5 the appropriate fee for the restricted license within 90 days
6 from the effective date of this Decision. The restricted license
7 issued to Respondent shall be subject to all of the provisions of
8 Section 10156.7 of the Business and Professions Code and to the
9 following limitations, conditions, and restrictions imposed under
10 authority of Section 10156.6 of that Code:

11 1. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner in the event of Respondent's conviction or plea of
14 nolo contendere to a crime which is substantially related to
15 Respondent's fitness or capacity as real estate licensee.

16 2. The restricted license issued to Respondent may be
17 suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to the restricted license.

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

27

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

6 (a) That the employing broker has read the Decision of
7 the Commissioner which granted the right to a restricted license;
8 and

9 (b) That the employing broker will exercise close
10 supervision over the performance by the restricted licensee
11 relating to activities for which a real estate license is
12 required.

13 5. Respondent shall, within nine (9) months from the
14 effective date of this Decision, present evidence satisfactory to
15 the Real Estate Commissioner that Respondent has, since the most
16 recent issuance of an original or renewal real estate license,
17 taken and successfully completed the continuing education
18 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
19 for renewal of a real estate license. If Respondent fails to
20 satisfy this condition, the Commissioner may order the suspension
21 of the restricted license until the Respondent presents such
22 evidence. The Commissioner shall afford Respondent the
23 opportunity for a hearing pursuant to the Administrative
24 Procedure Act to present such evidence.


25
26 DATED: 9/13/04

CHRIS LEONG
CHRIS LEONG, ESQ.
Counsel for Complainant

* * *

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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 fax number (213) 576-6917.
17 Respondent agrees, acknowledges and understands that by
18 electronically sending to the Department a fax copy of his actual
19 signature as it appears on the Stipulation and Agreement, that
20 receipt of the faxed copy by the Department shall be as binding
21 on Respondent as if the Department had received the original
22 signed Stipulation and Agreement.

DATED: 9/6/04
CHRISTOPHER MICHAEL BARNETT
Respondent

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on OCT 21 2004.

IT IS SO ORDERED Sept. 22, 2004.

JOHN R. LIBERATOR
Acting Real Estate Commissioner

John R. Liberator

Sacto Joe

1 CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
2 320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
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FILED
JUL 14 2004
DEPARTMENT OF REAL ESTATE

By *Laura B. Arma*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H- 31061 LA
12 CHRISTOPHER MICHAEL BARNETT,)	<u>A C C U S A T I O N</u>
13 Respondent.)	

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

19 I.

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

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II

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

CONVICTIONS

III

On or about January 15, 2004, in the Superior Court of California, County of Orange, State of California, Case No. 03HM07034, Respondent was convicted of violating one count of Section 273.6(a) of the California Penal Code (PC) (Violation of a Protective Order), a misdemeanor and a crime involving moral turpitude which is substantially related to the qualifications, functions and duties of a real estate licensee. Respondent was sentenced to probation for three (3) years.

IV

The conviction set forth above constitutes cause under Code Sections 490 and 10177(b) for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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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
4 action against all licenses and license rights of Respondent,
5 CHRISTOPHER MICHAEL BARNETT, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code), and for
7 such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California

10 this 7th day of July, 2004.

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14 Deputy Real Estate Commissioner

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22 cc: Christopher Michael Barnett
23 Lee and Associates Realty Group
24 Suarez
25 Sacto.
26 LF
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