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

(213) 576-6982
(213) 576-6914

FILED
MAR 29 2005
DEPARTMENT OF REAL ESTATE
By *Laura B. Olaw*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
BOB CRUBAUGH,) DRE No. H-31295 LA
) OAH No. L-2004100336
) STIPULATION AND AGREEMENT
)
Respondent.)

It is hereby stipulated by and between BOB CRUBAUGH,
aka Robert Alan Crubaugh (sometimes referred to herein as
"Respondent"), represented by Thomas W. Newton, Esq., and the
Complainant, acting by and through Martha J. Rosett, Counsel
for the Department of Real Estate, as follows for the purpose
of settling and disposing of the Accusation filed on
September 14, 2004 in this matter:

1. All issues which were to be contested and all
evidence which was to be presented by Complainant and
Respondent at a formal hearing on the Accusation, which hearing
was to be held in accordance with the provisions of the

1 Administrative Procedure Act (APA), shall instead and in place
2 thereof be submitted solely on the basis of the provisions of
3 this Stipulation and Agreement.

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

8 3. On September 20, 2004, Respondent filed a Notice
9 of Defense pursuant to Section 11506 of the Government Code for
10 the purpose of requesting a hearing on the allegations in the
11 Accusation. In order to effectuate this settlement, Respondent
12 hereby freely and voluntarily withdraws said Notice of Defense.
13 Respondent acknowledges that he understands that by withdrawing
14 said Notice of Defense, he will thereby waive his rights to
15 require the Commissioner to prove the allegations in the
16 Accusation at a contested hearing held in accordance with the
17 provisions of the APA and that he will waive other rights
18 afforded to him in connection with the hearing such as the
19 right to present evidence in defense of the allegations in the
20 Accusation and the right to cross-examine witnesses.

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

27

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

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

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

27

1 suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.

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

10
11 DATED: 3/3/05


12 MARTHA J. ROSETT
13 Counsel for Complainant

14 * * *

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

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1 Respondent can 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 his 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: 2/3/05

12 
13 _____
14 BOB CRUBAUGH

14 DATED: 2/3/05

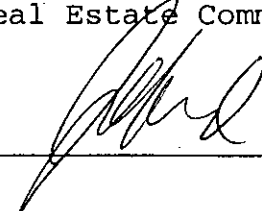
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16 _____
17 THOMAS W. NEWTON, ESQ.
18 Attorney for Respondent

19 * * *

20 The foregoing Stipulation and Agreement is hereby
21 adopted as my Decision in this matter and shall become
22 effective at 12 o'clock noon on APR 18 2005.

23 IT IS SO ORDERED 3-22-05

24 JEFF DAVI
25 Real Estate Commissioner

26 
27 _____

Sacto Ray

FILED
JAN 12 2005
DEPARTMENT OF REAL ESTATE

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

By *Laura B. Olone*

In the Matter of the Accusation of

BOB CRUBAUGH,

}
}

Case No. H-31295 LA

OAH No. L-2004100336

Respondent

**CONTINUED
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 the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California on **JANUARY 28, 2005**, at the hour of **10:00 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

By *Martha J. Rosett*
MARTHA J. ROSETT, Counsel

Dated: January 12, 2005

cc: Bob Crubaugh
Thomas W. Newton, Esq.
Dennis Shizuo Iwamoto/Sacto./OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
NOV 3 2004
DEPARTMENT OF REAL ESTATE

By Jana B. Stone

In the Matter of the Accusation of

BOB CRUBAUGH,

}

Case No. H-31295 LA

OAH No. L-2004100336

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 the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California on JANUARY 6, 2005, 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.

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DEPARTMENT OF REAL ESTATE

Dated: November 3, 2004

By Martha J. Rossett
MARTHA J. ROSETT, Counsel

cc: Bob Crubaugh
Dennis Shizuo Iwamoto
Sacto./OAH

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FILED
SEP 14 2004
DEPARTMENT OF REAL ESTATE

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

By *Janice B. Waddell*

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

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11	In the Matter of the Accusation of)	No. H-31295 LA
12)	
13	BOB CRUBAUGH,)	<u>A C C U S A T I O N</u>
14)	
15	Respondent.)	

16 The Complainant, Janice Waddell, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against BOB CRUBAUGH, aka Robert Alan Crubaugh (hereinafter
19 "Respondent"), is informed and alleges as follows:

20 1.

21 The Complainant, Janice Waddell, 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

1 (Part 1 of Division 4 of the Business and Professions Code), as a
2 real estate salesperson. Respondent was first licensed as a real
3 estate salesperson on or about March 21, 1986.

4 3.

5 On or about April 17, 2001, in the Superior Court of
6 the State of California, County of Los Angeles-Northwest
7 District, in Case No. LC046155, a final judgment was entered
8 against Respondent based on grounds of fraud, misrepresentation,
9 or deceit with reference to a transaction for which a real estate
10 license is required. Specifically, the judgment for fraud and
11 constructive fraud was entered against Respondent in the amount
12 of \$110,763.18 plus the pro-rata 3/80th share of the land sale
13 proceeds in the transactions in question. Respondent timely
14 appealed the judgement. On or about February 7, 2003, the
15 judgement was affirmed, with a modification deducting \$18,000.00
16 from the total amount.

17 4.

18 The facts set forth in Paragraph 3 constitute cause
19 under Section 10177.5 of the Code for suspension or revocation of
20 all licenses and license rights of Respondent under the Real
21 Estate Law.

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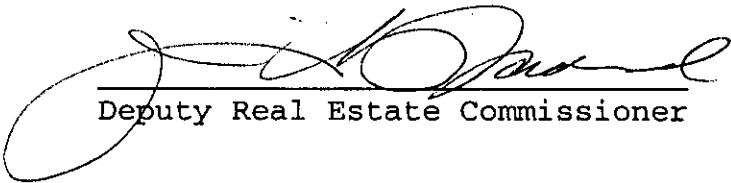
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WHEREFORE, the Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent BOB CRUBAUGH under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California
this 13 day of September, 2004.


Deputy Real Estate Commissioner

cc: Bob Crubaugh
Sacto.
Janice Waddell
LA