

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

FILED
OCT 29 2009
DEPARTMENT OF REAL ESTATE

By C.A.

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of)
11 SAMUEL WILLIAM BATH,)
12)
13 Respondent.)
14 _____)

NO. H-35914 LA
L-2009061150

STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between SAMUEL WILLIAM
16 BATH ("Respondent") and the Complainant, acting by and through
17 Lissette Garcia, Counsel for the Department of Real Estate, as
18 follows for the purpose of settling and disposing of the
19 Accusation filed on April 29, 2009, in this matter:

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

27 2. Respondent has received, read and understands the

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

4 3. On May 6, 2009, the Department of Real Estate
5 received Respondent's Notice of Defense pursuant to Section
6 11506 of the Government Code for the purpose of requesting a
7 hearing on the allegations in the Accusation. Respondent
8 hereby freely and voluntarily withdraws said Notice of Defense.
9 Respondent acknowledges that he understands that by withdrawing
10 said Notice of Defense he will thereby waive his right to
11 require the Commissioner to prove the allegations in the
12 Accusation at a contested hearing held in accordance with the
13 provisions of the APA and that he will waive other rights
14 afforded to him in connection with the hearing such as the
15 right to present evidence in defense of the allegations in the
16 Accusation and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual
18 allegations contained in the Accusation filed in this
19 proceeding. In the interest of expedience and economy,
20 Respondent chooses not to contest these factual allegations,
21 but to remain silent and understands that, as a result thereof,
22 these factual statements, will serve as a *prima facie* basis for
23 the disciplinary action stipulated to herein. The Real Estate
24 Commissioner shall not be required to provide further evidence
25 to prove such allegations.

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

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

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

DETERMINATION OF ISSUES

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

21 The conduct of Respondent as set forth in the
22 Accusation constitutes cause for the suspension or revocation
23 of all the real estate licenses and license rights of
24 Respondent SAMUEL WILLIAM BATH under the provisions of Sections
25 490 and 10177(b) of the Business and Professions Code.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

21 2. The restricted license issued to Respondent may
22 be suspended prior to hearing by Order of the Real Estate
23 Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real
25 Estate Law, the Subdivided Lands Law, Regulations of the Real
26 Estate Commissioner, or conditions attaching to the restricted
27 license.

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

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

11 (a) That the employing broker has read the
12 Decision of the Commissioner which granted the right to a
13 restricted license; and

14 (b) That the employing broker will exercise
15 close supervision over the performance by the restricted
16 licensee relating to activities for which a real estate license
17 is required.

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

1 Respondent the opportunity for a hearing pursuant to the
2 Administrative Procedure Act to present such evidence.

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4 DATED: 9/29/09

Frances Garcia
FISSETE GARCIA
Counsel for the Department
of Real Estate

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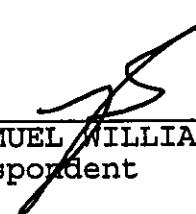
7 * * *

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

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

1 Department had received the original signed Stipulation and
2 Agreement.

3 DATED: 7/21/09

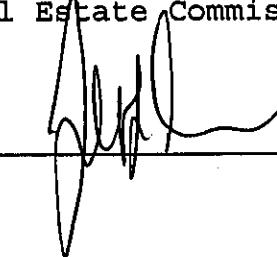
4 
5 SAMUEL WILLIAM BATH
6 Respondent

7 * * *

8 The foregoing Stipulation and Agreement is hereby
9 adopted as my Decision in this matter, and shall become
10 effective at 12 o'clock noon on November 18, 2009.

11 IT IS SO ORDERED

12 10-21-09

13 JEFF DAVI
14 Real Estate Commissioner
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1 LISSETE GARCIA, Counsel (SBN 211552)
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FILED
APRIL 29, 2009
DEPARTMENT OF REAL ESTATE

By LGS

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9
10 STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of) NO. H-35914 LA
12)
13 SAMUEL WILLIAM BATH,) A C C U S A T I O N
14 Respondent.)
15)

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

20 I

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

24 II

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

was first licensed as a real estate broker on February 6, 2008.

III

3 On or about January 30, 2009, in the Superior Court of
4 California, Orange County, in Case No. 08HF1505, Respondent pled
5 guilty to and was convicted of violating one count of Penal Code
6 Section 245(a)(2) (assault with a firearm) and two counts of
7 Penal Code Section 417(a)(2)(B) (brandishing a firearm),
8 misdemeanors. Said crimes bear a substantial relationship to
9 the qualifications, functions or duties of a real estate
10 licensee under Section 2910, Title 10, Chapter 6, California
11 Code of Regulations.

IV

13 The crimes of which Respondent was convicted, as
14 alleged in Paragraph III above, constitute cause under Code
15 Sections 490 and 10177(b) for the suspension or revocation of
16 all licenses and license rights of Respondent under the Real
17 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/or license rights of Respondent,
5 SAMUEL WILLIAM BATH, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California
10 this 27/09 day of October, 2009.

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13 MARIA SUAREZ
14 Deputy Real Estate Commissioner

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24 cc: Samuel William Bath
25 Maria Suarez
26 Sacto.
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