

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

FILED
MAY 19 2010
DEPARTMENT OF REAL ESTATE

4 By 

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8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-36247 LA
12) L-2009100412
13 MARSHALL JEROLD FIELD,)
14) Respondent.) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between MARSHALL JEROLD FIELD
16 (sometimes referred to herein as "Respondent"), represented in this matter by Mary E. Work,
17 Attorney at Law, and the Complainant, acting by and through Martha J. Rosett, Counsel for the
18 Department of Real Estate, as follows for the purpose of settling and disposing of the
19 Accusation filed on September 21, 2009 in this matter:

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

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

4 3. On September 28, 2009, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. In order to effectuate this settlement, Respondent hereby freely
7 and voluntarily withdraws said Notice of Defense. Respondent acknowledges that he
8 understands that by withdrawing said Notice of Defense, he will thereby waive his right to
9 require the Commissioner to prove the allegations in the Accusation at a contested hearing held
10 in accordance with the provisions of the APA and that he will waive other rights afforded to
11 him in connection with the hearing such as the right to present evidence in defense of the
12 allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, although not
14 admitting or denying the truth of the allegations, will not contest the factual allegations
15 contained in the Accusation filed in this proceeding and the Real Estate Commissioner shall
16 not be required to provide further evidence of such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may adopt
18 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and
19 sanctions on Respondent's real estate license and license rights as set forth in the below
20 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation
21 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a
22 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
23 bound by any stipulation or waiver made herein.

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

1 7. This Stipulation and Respondent’s decision not to contest the Accusation are
2 made for the purpose of reaching an agreed disposition of this proceeding, and are expressly
3 limited to this proceeding and any other proceeding or case in which the Department of Real
4 Estate (“Department”), or another licensing agency of this state, another state, or of the federal
5 government is involved, and otherwise shall not be admissible in any other criminal or civil
6 proceedings.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations and waivers and solely for the purpose
9 of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the
10 following Determination of Issues shall be made:

11 The conduct, acts or omissions of Respondent MARSHALL JEROLD FIELD,
12 as set forth in the Accusation, constitute cause to suspend or revoke the real estate license and
13 licensing rights of Respondent MARSHALL JEROLD FIELD under the provisions of
14 Business and Professions Code (“Code”) Section 10177(f).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 All licenses and licensing rights of Respondent MARSHALL JEROLD FIELD
18 under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson
19 license shall be issued to Respondent pursuant to Section 10156.5 of the Business and
20 Professions Code if Respondent makes application therefor and pays to the Department of Real
21 Estate the appropriate fee for the restricted license within 90 days from the effective date of this
22 Decision. The restricted license issued to Respondent shall be subject to all of the provisions of
23 Section 10156.7 of the Business and Professions Code and to the following limitations,
24 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

- 25 1. The restricted license issued to Respondent may be suspended prior to hearing
26 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of
27

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

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

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

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

15 a. That the employing broker has read the Decision of the Commissioner which
16 granted the right to a restricted license; and

17 b. That the employing broker will exercise close supervision over the
18 performance by the restricted licensee relating to activities for which a real estate license is
19 required.

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

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

DATED: 4/14/2010


MARTHA J. ROSETT
Counsel for Complainant

I have read the Stipulation and Agreement, have discussed it with my counsel,
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.


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

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9 DATED: 4-5-10


MARSHALL JEROLD FIELD
Respondent

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12 DATED: 4/8/10

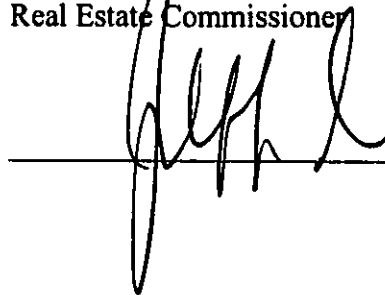

MARY E. WORK, Attorney at Law
Counsel for Respondent

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16 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
17 this matter and shall become effective at 12 o'clock noon on June 8, 2010.

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19 IT IS SO ORDERED

4/26/2010
JEFF DAVY
Real Estate Commissioner

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

FILED
SEP 21 2009
DEPARTMENT OF REAL ESTATE

4 (213) 576-6982
5 (213) 620-6430

By C. J.

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7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) No. H-36247 LA
13 MARSHALL JEROLD FIELD,) A C C U S A T I O N
14 Respondent.)
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16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against MARSHALL JEROLD FIELD (hereinafter "Respondent"), is
19 informed and alleges as follows:

20 1.

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

24 2.

25 At all times herein mentioned Respondent was and is
26 licensed and/or has license rights under the Real Estate Law
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1 (Part 1 of Division 4 of the Business and Professions Code) as a
2 real estate salesperson. Respondent was first licensed by the
3 Department as a salesperson on or about December 9, 1977.

4 3.

5 On or about September 23, 2008, in Case No. CMS040202,
6 the National Adjudicatory Council of the Federal Industry
7 Regulatory Authority ("FINRA") affirmed a Hearing Panel's order
8 barring Respondent from associating with any member firm in any
9 capacity. The discipline was based on findings that Respondent
10 made fraudulent misrepresentation and failed to disclose
11 material information when recommending municipal bonds, that he
12 engaged in unauthorized sales and purchases of municipal bonds,
13 and that he guaranteed a customer against loss.

14 4.

15 FINRA's order barring Respondent from associating with
16 any member firm in any capacity due to fraudulent
17 misrepresentations and failure to disclose material information
18 constitutes cause for the revocation or suspension of
19 Respondent's real estate license and/or license rights pursuant
20 to Business and Professions Code Section 10177(f).

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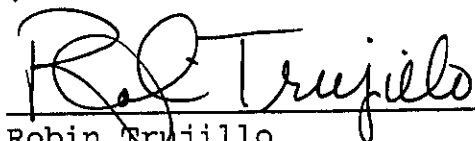
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WHEREFORE, the Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of Respondent, MARSHALL JEROLD FIELD, 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 9 day of September, 2009.



Robin Trujillo
Deputy Real Estate Commissioner

cc: Marshall Jerold Field
Robin Trujillo
Sacto.
Forward Studio City, Inc.