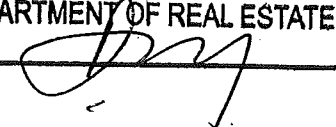


FILED

OCT 30 2012

Department of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-37227 LA

SHARON A. COHEN, individually
and doing business as SCFS,

STIPULATION

AND

Respondent,

AGREEMENT

It is hereby stipulated by and between Respondent SHARON A. COHEN, (sometimes referred to as "Respondent"), and her attorney of record, Frank M. Buda, of LAW OFFICES OF FRANK M. BUDA and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on April 27, 2011, 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 Administrative

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

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

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

20 4. This Stipulation is based on the factual
21 allegations contained in the Accusation. In the interest of
22 expedience and economy Respondent chooses not to contest these
23 allegations but to remain silent and understands that, as a
24 result thereof, these factual allegations, without being admitted
25 or denied, will serve as a prima facie basis for the disciplinary
26 action stipulated to herein. The Real Estate Commissioner shall
27 not be required to provide further evidence to prove said factual

1 allegations.

2 5. This Stipulation is made for the purpose of
3 reaching an agreed disposition of this proceeding and is
4 expressly limited to this proceeding and any other proceeding or
5 case in which the Department of Real Estate ("Department"), or
6 another licensing agency of this state, another state, or the
7 federal government is involved, and otherwise shall not be
8 admissible in any other criminal or civil proceeding.

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

19 7. The Order or any subsequent Order of the Real
20 Estate Commissioner made pursuant to this Stipulation shall not
21 constitute an estoppel, merger or bar to any further
22 administrative or civil proceedings by the Department of Real
23 Estate with respect to any matters which were not specifically
24 alleged to be causes for accusation in this proceeding.

25 8. Respondent understands that by agreeing to this
26 Stipulation, Respondent agrees to pay, pursuant to Business and
27 Professions Code Section 10148, the cost of the audit (LA 080211)

1 in the amount of \$1,675.30.

2 9. Respondent has received, read, and understands the
3 "Notice Concerning Costs of Subsequent Audit". Respondent
4 further understands that by agreeing to this Stipulation, the
5 findings set forth below in the Determination of Issues become
6 final, and the Commissioner may charge Respondent for the cost of
7 any subsequent audit conducted pursuant to Business and
8 Professions Code Section 10148 to determine if the violations to
9 the follow-up audit have been corrected. The maximum cost of the
10 subsequent audit will not exceed \$1,675.30.

11 DETERMINATION OF ISSUES

12 By reason of the foregoing, it is stipulated and agreed
13 that the following determination of issues shall be made:

14 I.

15 The conduct, acts or omissions of SHARON A. COHEN, as
16 described in Paragraph 4, above, is in violation of Sections
17 10145, 10177(d) and 10177(g) of the Business and Professions Code
18 ("Code") and Sections 2731, and 2831, of Title 10, Chapter 6 of
19 the California Code of Regulations ("Regulations") and is a basis
20 for discipline of Respondent's license and license rights as a
21 violation of the Real Estate Law pursuant to Code Sections 10145,
22 10177(d) and 10177(g)..

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1
2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 I.

5 A. All licenses and licensed rights of Respondent
6 SHARON A. COHEN under the Real Estate Law are suspended for a
7 period of ninety (90) days from the effective date of this
8 Decision; provided, however, that the initial thirty (30) days of
9 said suspension shall be stayed upon the following terms and
10 conditions:

11 1. Respondent SHARON A. COHEN shall pay a monetary
12 penalty pursuant to Section 10175.2 of the Business and
13 Professions Code of \$1,500 (at the rate of \$50 per day for each
14 day of the suspension) for a total monetary penalty of \$1,500.

15 2. Said payment shall be in the form of a cashier's
16 check or certified check made payable to the Recovery Account of
17 the Real Estate Fund. Said check must be received by the
18 Department prior to the effective date of the Decision in this
19 matter.

20 3. No further cause for disciplinary action against
21 the real estate license of Respondent SHARON A. COHEN occurs
22 within two (2) years from the effective date of the Decision in
23 this matter.

24 4. If Respondent SHARON A. COHEN fails to pay the
25 monetary penalty in accordance with the terms and conditions of
26 the Decision, the Commissioner may, without a hearing, order the
27 immediate execution of all or any part of the stayed suspension,

1 in which event the Respondent shall not be entitled to any
2 repayment nor credit, prorated or otherwise, for money paid to
3 the Department under the terms of this Decision.

4 5. If Respondent SHARON A. COHEN pays the monetary
5 penalty and if no further cause for disciplinary action against
6 the real estate license of Respondent SHARON A. COHEN occurs
7 within two (2) years from the effective date of the Decision,
8 the stay hereby granted shall become permanent.

9 B. The remaining sixty (60) days of the ninety (90)
10 day suspension shall be stayed for two (2) years upon the
11 following terms and conditions:

12 1. Respondent SHARON A. COHEN shall obey all laws,
13 rules and regulations governing the rights, duties and
14 responsibilities of a real estate licensee in the State of
15 California; and

16 2. That no final subsequent determination be made
17 after hearing or upon stipulation, that cause for disciplinary
18 action occurred within two (2) years from the effective date of
19 this Decision. Should such a determination be made, the
20 Commissioner may, in his discretion, vacate and set aside the
21 stay order and reimpose all or a portion of the stayed
22 suspension. Should no such determination be made under this
23 section, the stay imposed herein shall become permanent.

24 II.

25 Respondent shall submit proof satisfactory to the
26 Commissioner of having taken and successfully completed the
27 continuing education course on trust fund accounting and handling

1 specified in paragraph (3) of subdivision (a) of Section 10170.5
2 of the Business and Professions Code. Proof of satisfaction of
3 this requirement includes evidence that Respondent has
4 successfully completed the trust fund account and handling
5 continuing education course within 120 days after the effective
6 date of this Decision. If Respondent fails to satisfy this
7 condition, the Commissioner may, in his discretion, vacate and
8 set aside the stay order and reimpose all or a portion of the
9 stayed suspension until Respondent presents such evidence.

10 III.

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

24 IV.

25 Respondent shall, within six (6) months after the
26 effective date of this Decision, take and pass the Professional
27 Responsibility Examination administered by the Department

1 including the payment of the appropriate examination fee. If
2 Respondent fails to satisfy this condition, the Commissioner may
3 order suspension of the restricted license until Respondent
4 passes the examination.

5 V.

6 Pursuant to Section 10148 of the Business and
7 Professions Code, Respondent shall pay the Commissioner's
8 reasonable cost for (a) the audit which led to this disciplinary
9 action and (b) a subsequent audit to determine if Respondent is
10 now in compliance with the Real Estate Law. The cost of the
11 audit which led to this disciplinary action is \$1,675.30. In
12 calculating the amount of the Commissioner's reasonable cost, the
13 Commissioner may use the estimated average hourly salary for all
14 persons performing audits of real estate brokers, and shall
15 include an allocation for travel time to and from the auditor's
16 place of work. Said amount for the subsequent audit to the
17 previous audit, shall not exceed \$1,675.30.

18 Respondent shall pay such cost within 60 days of
19 receiving an invoice from the Commissioner detailing the
20 activities performed during the audit and the amount of time
21 spent performing those activities.

22 The Commissioner may suspend the license of Respondent
23 pending a hearing held in accordance with Section 11500, et seq.,
24 of the Government Code, if payment is not timely made as provided
25 for herein, or as provided for in a subsequent agreement between
26 the Respondents and the Commissioner. The suspension shall
27 remain in effect until payment is made in full or until a

1 Respondent enters into an agreement satisfactory to the
2 Commissioner to provide for payment, or until a decision
3 providing otherwise is adopted following a hearing held pursuant
4 to this condition.

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6
7 DATED: 9-20-12

Amelia V. Vetrone
8 Amelia V. Vetrone, Counsel for
9 the Department of Real Estate

10 * * *

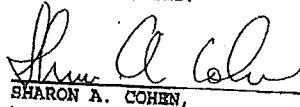
11 EXECUTION OF THE STIPULATION

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

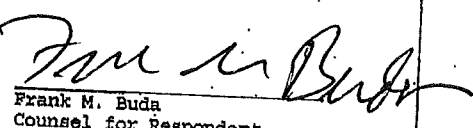
22 Respondent shall (1) mail the original signed signature
23 page of the stipulation herein to Amelia V. Vetrone: Attention:
24 Legal Section, Department of Real Estate, 320 W. Fourth St.,
25 Suite 350, Los Angeles, California 90013-1105. Additionally,
26 Respondent shall also (2) facsimile a copy of the signed
27

1 signature page, to the Department at the following fax number:
2 (213) 576-6917, Attention: Amelia V. Vetrone.

3
4 DATED: 9/20/12


5 SHARON A. COHEN,
6 Respondent

7
8 DATED: 9-21-12


9 Frank M. Buda
10 Counsel for Respondent
11 Approved as to Form

12 ///

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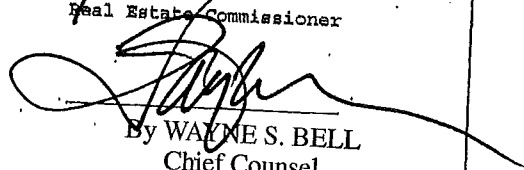
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15 * * *

16 The foregoing Stipulation and Agreement is hereby
17 adopted as my Decision as to Respondent SHARON A. COHEN and shall
18 become effective at 12 o'clock noon on November 29, 2012.
19 2012.

20 IT IS SO ORDERED

10/25, 2012.

21 Real Estate Commissioner

22 
23 By WAYNE S. BELL
24 Chief Counsel
25
26
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