

FILED

SEP 28 2012

DEPARTMENT OF REAL ESTATE
BY:

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) DRE No. H-37598 LA
) OAH No. L-2012010008
 SHARON LYNN BARNES,)
)
) STIPULATION AND AGREEMENT
) AND
) DECISION AFTER REJECTION
 Respondent.)
)

I, SHARON LYNN BARNES, Respondent herein, acknowledge that I have received and read the Accusation filed by the Department of Real Estate on October 19, 2011, and the Statement to Respondent sent to me in connection with the Accusation.

I hereby admit that the allegations contained in the Accusation filed against me are true and correct and constitute a basis for the discipline of my real estate broker license.

I further acknowledge that the Real Estate Commissioner held a hearing on this Accusation on June 6, 2012, before the Office of Administrative Hearings for the purpose of proving the allegations therein. I was present at the hearing in which I represented myself and participated therein.

1 Further, I have had an opportunity to read and review the
2 Proposed Decision of the Administrative Law Judge.

3 I understand that pursuant to Government Code Section
4 11517(c), the Real Estate Commissioner has rejected the Proposed
5 Decision of the Administrative Law Judge. I further understand
6 that pursuant to the same Section 11517(c), the Real Estate
7 Commissioner may decide this case upon the record, including the
8 transcript, without taking any additional evidence, after
9 affording me the opportunity to present written argument to the
10 Real Estate Commissioner.

11 I further understand that by signing this Stipulation
12 and Agreement, I am waiving my right to obtain a dismissal of
13 the Accusation through proceedings under Government Code Section
14 11517(c) if this Stipulation and Agreement is accepted by the
15 Real Estate Commissioner. However, I also understand that I am
16 not waiving my rights to further proceedings to obtain a
17 dismissal of the Accusation if this Stipulation and Agreement is
18 not accepted by the Real Estate Commissioner.

19 I hereby request that the Real Estate Commissioner in
20 his discretion revoke my real estate broker license and issue to
21 me a restricted real estate salesperson license under the
22 authority of Section 10156.5 of the Business and Professions
23 Code if I make application therefor and pay to the Department of
24 Real Estate the appropriate fee for said license within ninety
25 (90) days from the effective date of the Decision herein.

26 I further understand that the restricted license shall
27 be subject to the provisions of Section 10156.7 of the Business

1 and Professions Code and the following conditions, limitations
2 and restrictions will attach to the restricted license issued by
3 the Department of Real Estate pursuant hereto:

4 1. The restricted license issued to Respondent, may
5 be suspended prior to hearing by Order of the Real Estate
6 Commissioner in the event of Respondent's conviction or plea of
7 nolo contendere to a crime which is substantially related to
8 Respondent's fitness or capacity as a real estate licensee.

9 2. The restricted license may be suspended prior to
10 hearing by Order of the Real Estate Commissioner on evidence
11 satisfactory to the Commissioner that Respondent has violated
12 provisions of the California Real Estate Law, the Subdivided
13 Lands Law, Regulations of the Real Estate Commissioner, or the
14 conditions attaching to the restricted license.

15 3. Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor for the
17 removal of any of the conditions, limitations or restrictions of
18 a restricted license until two (2) years have elapsed from the
19 effective date of this Decision, and until she demonstrates that
20 she has repaid the State Bar Client Security Fund.

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

26 (a) That the employing broker has read the Decision
27

1 of the Commissioner which granted the right to a restricted
2 license; and

3
4 (b) That the employing broker will exercise close
5 supervision over the performance by the restricted licensee
6 relating to activities for which a real estate license is
7 required.

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

20 6. Respondent shall notify the Commissioner in writing
21 within 72 hours of any arrest by sending a certified letter to
22 the Commissioner at the Department of Real Estate, Post Office
23 Box 187000, Sacramento, CA 95818-7000. The letter shall set
24 forth the date of Respondent's arrest, the crime for which
25 Respondent was arrested and the name and address of the
26 arresting law enforcement agency. Respondent's failure to
27 timely file written notice shall constitute an independent

1 violation of the terms of the restricted license and shall be
2 grounds for the suspension or revocation of that license.

3
4 DATED:

8/20/2012

Sharon L. Barnes
SHARON LYNN BARNES, Respondent

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6 * * *

7 I have read the Accusation filed herein, the Proposed
8 Decision of the Administrative Law Judge dated July 6, 2012, and
9 the foregoing Stipulation and Agreement signed by Respondent.

10 I am satisfied that it will not be inimical to the public
11 interest to issue a restricted salesperson license to
12 Respondent.

13
14 Therefore, IT IS HEREBY ORDERED that the real estate
15 broker license of Respondent be revoked and a restricted real
16 estate salesperson license be issued to Respondent if Respondent
17 has otherwise fulfilled all of the statutory requirements for
18 licensure. The restricted license shall be limited, conditioned
19 and restricted as specified in the foregoing Stipulation and
20 Agreement.

21
22 This Order shall become effective at 12 o'clock noon
23 on October 18, 2012.

24 IT IS SO ORDERED

9/19/2012
Real Estate Commissioner

26
27 By WAYNE S. BELL
Chief Counsel