

FILED

AUG - 8 2013

DEPARTMENT OF REAL ESTATE
BY: 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-38319 LA
)	L-2012120189
CHARLES DUFFY RIEBE,)	
)	
Respondent.)	
)	

STIPULATION AND AGREEMENT

AND

DECISION AFTER REJECTION

It is hereby stipulated by and between Respondent CHARLES DUFFY RIEBE and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on August 3, 2012, in this matter:

1. This Stipulation is based on the factual allegations contained in the Accusation filed in this proceeding. In the interest of expedience and economy, Respondent chooses not to contest these factual allegations, and understands that, as a result thereof, these factual statements will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove such allegations.

1 2. Respondent further acknowledges that the Real Estate Commissioner held a
2 hearing on this Accusation on March 13, 2013, before the Office of Administrative Hearings for
3 the purpose of proving the allegations therein. Respondent was present at the hearing,
4 represented himself, and participated therein. Further, Respondent has had an opportunity to
5 read and review the Proposed Decision of the Administrative Law Judge.

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

12 4. Respondent further understands that by signing this Stipulation and
13 Agreement, Respondent is waiving his right to seek a dismissal of the Accusation through
14 proceedings under Government Code Section 11517(c) if this Stipulation and Agreement
15 ("Stipulation") is accepted by the Real Estate Commissioner.

16 5. It is understood by the parties that the Real Estate Commissioner may adopt
17 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
18 Respondent's real estate license and license rights as set forth in the below "Order". In the
19 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation
20 shall be void and of no effect and Respondent shall retain the right to further proceedings under
21 the Administrative Procedure Act (beginning at Government Code Section 11500).

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

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1 subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
2 the restricted license.

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

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

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

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

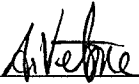
15 5. Respondent shall, within nine months from the effective date of this
16 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,
17 since the most recent issuance of an original or renewal real estate license, taken and
18 successfully completed the continuing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

24 6. Respondent shall notify the Commissioner in writing within 72 hours of any
25 arrest by sending a certified letter to the Commissioner at Bureau of Real Estate, Post Office
26 Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of Respondent's
27 arrest, the crime for which Respondent was arrested, and the name and address of the arresting

1 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
2 independent violation of the terms of the restricted license and shall be grounds for the
3 suspension or revocation of that license.

4 7. Respondent CHARLES DUFFY RIEBE shall within six (6) months from the
5 effective date of the Decision herein, take and pass the Professional Responsibility Examination
6 administered by the Bureau including the payment of the appropriate examination fee. If
7 Respondent fails to satisfy this condition, the Commissioner may order suspension of
8 Respondent's license until the Respondent passes the examination. The Commissioner shall
9 afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act
10 to present such evidence.

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13 7-24-13
14 DATED


15 Amelia V. Vetrone, Counsel
16 Bureau of Real Estate

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19 EXECUTION OF THE STIPULATION

20 I have read the Stipulation and understand its terms which are agreeable and
21 acceptable to me. I understand that I am waiving rights given to me by the California
22 Administrative Procedure Act (beginning at Government Code Section 11500), and I willingly,
23 intelligently and voluntarily waive those rights, including the right to require the
24 Commissioner to provide additional evidence in support of the Accusation or as a basis for the
25 disciplinary action stipulated to herein.

26 MAILING AND FACSIMILE

27 Respondent (1) shall mail the original signed signature page of the stipulation
herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth

1 St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a
2 copy of a signed signature page, to the Bureau at the following telephone/fax number: (213)
3 576-6917, Attention: Amelia V. Vetrone.

4 A facsimile constitutes acceptance and approval of the terms and conditions of
5 this stipulation. Respondent agrees, acknowledges and understands that by electronically
6 sending to the Bureau a facsimile copy of Respondent's actual signature as it appears on the
7 stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as
8 if the Bureau had received the original signed stipulation.

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11 DATED: July 18, 2013


CHARLES DUFFY RIEBE

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15 The foregoing Stipulation and Agreement and Decision After Rejection is
16 hereby adopted as my Decision as to Respondent CHARLES DUFFY RIEBE
17 and shall become effective at 12 o'clock noon on August 28, 2013

18 IT IS SO ORDERED 8/6/2013

19
20 Real Estate Commissioner

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23 WAYNE S. BELL
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FILED

JUL 18 2013

DEPARTMENT OF REAL ESTATE
BY: [Signature]

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

CHARLES DUFFY RIEBE,

Respondent.

No. H-38319 LA

OAH No. 2012120189

NOTICE

TO: CHARLES DUFFY RIEBE, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated June 5, 2013, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated June 5, 2013, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on March 13, 2013, and any written argument hereafter submitted on behalf of Respondent and Complainant.

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1 Written argument of Respondent to be considered by me must be submitted within
2 15 days after receipt of the transcript of the proceedings of March 13, 2013, at the Los Angeles
3 office of the Bureau of Real Estate unless an extension of the time is granted for good cause
4 shown.

5 Written argument of Complainant to be considered by me must be submitted
6 within 15 days after receipt of the argument of Respondent at the Los Angeles office of the
7 Bureau of Real Estate unless an extension of the time is granted for good cause shown.

8 DATED: 7/11/2013

9 REAL ESTATE COMMISSIONER

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