

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

**FILED**

DEC 30 2013

BUREAU OF REAL ESTATE

By 

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7  
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

\* \* \*

10 In the Matter of the Accusation of ) CalBRE No. H-38533 LA  
11 )  
12 UPTOWN BROKERS, INC., ) OAH No. 2013020889  
13 TOMARCK FINANCIAL, INC., )  
14 DARREN KEITH WALKER, )  
15 individually and as designated )  
officer of Uptown Brokers, Inc. ) STIPULATION AND AGREEMENT  
and Tomarck Financial, Inc., )  
Respondents. )

16  
17 It is hereby stipulated by and between UPTOWN BROKERS,  
18 INC. and DARREN KEITH WALKER (collectively "Respondents") who are  
19 represented by Mary E. Work, Esq., in this matter and the  
20 Complainant, acting by and through Lissete Garcia, Counsel for the  
21 Bureau of Real Estate, as follows for the purpose of settling and  
22 disposing of the Accusation in this matter, filed on  
23 November 8, 2012:  
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1           1. All issues which were to be contested and all  
2 evidence which was to be presented by Complainant and Respondents  
3 at a formal hearing on the Accusation, which hearing was to be  
4 held in accordance with the provisions of the Administrative  
5 Procedure Act ("APA"), shall instead and in place thereof be  
6 submitted solely on the basis of the provisions of this  
7 Stipulation and Agreement ("Stipulation").

8           2. Respondents have received, read and understand the  
9 Statement to Respondent, the Discovery Provisions of the APA and  
10 the Accusation filed by the Bureau of Real Estate in this  
11 proceeding.

12           3. Respondents filed a Notice of Defense pursuant to  
13 Section 11506 of the Government Code for the purpose of requesting  
14 a hearing on the allegations in the Accusation. Respondents  
15 hereby freely and voluntarily withdraw said Notice of Defense.  
16 Respondents acknowledge that they understand that by withdrawing  
17 said Notice of Defense, they thereby waive their right to require  
18 the Commissioner to prove the allegations in the Accusation at a  
19 contested hearing held in accordance with the provisions of the  
20 APA and that they will waive other rights afforded to them in  
21 connection with the hearing such as the right to present evidence  
22 in their defense and the right to cross-examine witnesses.

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1           4. This Stipulation is based on the factual allegations  
2 contained in the Accusation filed in this proceeding. In the  
3 interest of expedience and economy, Respondents choose not to  
4 contest these factual allegations, but to remain silent and  
5 understand that, as a result thereof, these factual statements,  
6 will serve as a prima facie basis for the disciplinary action  
7 stipulated to herein. The Real Estate Commissioner shall not be  
8 required to provide further evidence to prove such allegations.

9           5. This Stipulation and Respondents' decision not to  
10 contest the Accusation are made for the purpose of reaching an  
11 agreed disposition of this proceeding and are expressly limited to  
12 this proceeding and any other proceeding or case in which the  
13 Bureau of Real Estate, or another licensing agency of this state,  
14 another state or if the federal government is involved and  
15 otherwise shall not be admissible in any other criminal or civil  
16 proceedings.

17           6. It is understood by the parties that the Real Estate  
18 Commissioner may adopt the Stipulation as his decision in this  
19 matter thereby imposing the penalty and sanctions on Respondents'  
20 real estate licenses and license rights as set forth in the below  
21 "Order". In the event that the Commissioner in his discretion  
22 does not adopt the Stipulation, the Stipulation shall be void and  
23 of no effect, and Respondents shall retain the right to a hearing  
24 on the Accusation under all the provisions of the APA and shall

1 not be bound by any stipulation or waiver made herein.

2           7. The Order or any subsequent Order of the Real  
3 Estate Commissioner made pursuant to this Stipulation shall not  
4 constitute an estoppel, merger or bar to any further  
5 administrative or civil proceedings by the Bureau of Real Estate  
6 with respect to any conduct which was not specifically alleged to  
7 be causes for accusation in this proceeding.

8                                       DETERMINATION OF ISSUES

9           By reason of the foregoing stipulations and solely for  
10 the purpose of settlement of the Accusation without a hearing, it  
11 is stipulated and agreed that the following determination of  
12 issues shall be made:

13                                       I.

14           The conduct of UPTOWN BROKERS, INC., as described in  
15 Paragraph 4, above, is a basis for discipline of UPTOWN BROKERS,  
16 INC.'s license and license rights pursuant to Section 10177(d) of  
17 the Business and Professions Code ("Code") and Regulation 2742(c)  
18 of the Regulations of the Real Estate Commissioner, Title 10,  
19 Chapter 6, California Code of Regulations.

20                                       II.

21           The conduct of DARREN KEITH WALKER, as described in  
22 Paragraph 4, above, is a basis for discipline of DARREN KEITH  
23 WALKER's license and license rights pursuant to Code Section  
24 10177(h).



1 provided, however, that fifteen (15) days of said suspension shall  
2 be stayed for two (2) years upon the following terms and  
3 conditions:

4 a. Respondent shall obey all laws, rules and  
5 regulations governing the rights, duties and responsibilities of a  
6 real estate licensee in the State of California; and

7 b. That no final subsequent determination be made after  
8 hearing or upon stipulation, that cause for disciplinary action  
9 occurred within two (2) years from the effective date of this  
10 Decision. Should such a determination be made, the Commissioner  
11 may, in his discretion, vacate and set aside the stay order and  
12 reimpose all or a portion of the stayed suspension. Should no  
13 such determination be made, the stay imposed herein shall become  
14 permanent.

15 III.

16 Respondent DARREN KEITH WALKER shall, within six (6)  
17 months from the effective date of this Decision, take and pass the  
18 Professional Responsibility Examination administered by the Bureau  
19 of Real Estate including the payment of the appropriate  
20 examination fee. If Respondent DARREN KEITH WALKER fails to  
21 satisfy this condition, the Commissioner shall order the  
22 suspension of Respondent DARREN KEITH WALKER's license until  
23 Respondent DARREN KEITH WALKER passes the examination.

1 IV.

2 Pursuant to California Business and Professions Code  
3 Section 10106, Respondents UPTOWN BROKERS, INC. and DARREN KEITH  
4 WALKER shall jointly or severally pay the Commissioner's  
5 reasonable costs for investigation and enforcement of the matter.  
6 The investigation and enforcement costs which led to this  
7 disciplinary action total \$2,458.80. Said payment shall be made  
8 by the effective date of this Decision.

9 The Commissioner shall suspend the licenses of  
10 Respondents pending a hearing held in accordance with California  
11 Government Code Section 11500, et seq., if payment is not timely  
12 made as provided for herein, or as provided for in a subsequent  
13 agreement between the Respondents and the Commissioner. The  
14 suspension shall remain in effect until payment is made in full or  
15 until Respondents enter into an agreement satisfactory to the  
16 Commissioner to provide for payment, or until a decision providing  
17 otherwise is adopted following a hearing held pursuant to this  
18 condition.


19 V.

20 A copy of all proofs of payment and completed coursework  
21 shall be submitted to Bureau Counsel Lissete Garcia, Attention:  
22 Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite  
23 350, Los Angeles, California 90013-1105, on or before the dates

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1 set forth above.

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3 DATED: Nov. 18, 2013

  
4 LISSETE GARCIA, Counsel for the  
Bureau of Real Estate

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7 EXECUTION OF THE STIPULATION

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

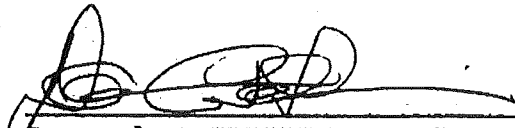
17 Respondents can signify acceptance and approval of the  
18 terms and conditions of this Stipulation by faxing a copy of the  
19 signature page, as actually signed by Respondents, to the Bureau  
20 at the following telephone/fax number: Lissete Garcia at  
21 (213) 576-6917. Respondents agree, acknowledge, and understand  
22 that by electronically sending to the Bureau a fax copy of  
23 Respondents' actual signatures as they appear on the Stipulation,  
24 that receipt of the faxed copy by the Bureau shall be as binding  
on Respondents as if the Bureau had received the original signed



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Stipulation.

DATED: 11/15/13


  
Respondent UPTOWN BROKERS, INC.  
By: Darren Keith Walker

DATED: 11/15/13

  
Respondent DARREN KEITH WALKER

I have reviewed the Stipulation and Agreement as to form and content and have advised my clients accordingly.

DATED: 11/18/13

  
MARY E. WORK  
Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents UPTOWN BROKERS, INC. and DARREN KEITH WALKER and shall become effective at 12 o'clock noon on \_\_\_\_\_, 2013.

IT IS SO ORDERED \_\_\_\_\_

REAL ESTATE COMMISSIONER

\_\_\_\_\_  
Wayne S. Bell

1 Stipulation.

2  
3 DATED: \_\_\_\_\_

Respondent UPTOWN BROKERS, INC.  
By: Darren Keith Walker

4  
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6  
7 DATED: \_\_\_\_\_

Respondent DARREN KEITH WALKER

8  
9 I have reviewed the Stipulation and Agreement as to  
10 form and content and have advised my clients accordingly.

11 DATED: \_\_\_\_\_

MARY E. WORK  
Attorney for Respondents

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14 \*\*\*

15 The foregoing Stipulation and Agreement is hereby  
16 adopted as my Decision as to Respondents UPTOWN BROKERS, INC. and  
17 DARREN KEITH WALKER and shall become effective at 12 o'clock noon  
18 on JAN 21 2014

19 IT IS SO ORDERED \_\_\_\_\_

DEC 23 2013

20 REAL ESTATE COMMISSIONER

21  
22 

23 By: JEFFREY MASON  
24 Chief Deputy Commissioner